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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।
Separate paging is given to this Part in order that it may be filed as a separate compilation

1982

LOK SABHA

The following Bill was introduced in Lok Sabha on 9th July, 1982:—

BILL No. 69 OF 1982

A Bill further to amend the Cantonments Act, 1924.

BE it enacted by Parliament in the Thirty-third Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Cantonments (Amendment) Act, 1982.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2 of 1924.

Amendment of section 2.

2. In section 2 of the Cantonments Act, 1924 (hereinafter referred to as the principal Act),—

(*a*) in clause (*iia*), for the words "eight feet in height", the words "two and a half metres in height" shall be substituted;

(*b*) clause (*iii*) shall be omitted;

(*c*) in clause (*vii*), after the word "Board", the words ", and includes a vacancy in such office, arising under sub-section (*1A*) of section 17" shall be inserted;

(*d*) after clause (*vii*), the following clauses shall be inserted, namely:—

'(*viia*) "civil area" means an area declared to be a civil area by the Central Government under section 43A;

(*viib*) "civil area committee" means a committee appointed under section 43A;';

(*e*) clause (*xia*) shall be renumbered as clause (*xic*) and before clause (*xic*) as so renumbered, the following clauses shall be inserted, namely:—

'(*xia*) "Defence Estates Officer" means the officer appointed by the Central Government to perform the duties of the Defence Estates Officer for the purposes of this Act and the rules made thereunder;

(*xib*) "Director" means the officer appointed by the Central Government to perform the duties of the Director, Defence Lands and Cantonments, the Command, for the purposes of this Act and the rules made thereunder and includes the Joint Director;';

(*f*) in clause (*xii*), for the words "the Public Works officer of that grade, or the Officer of the Military Engineer Services of the corresponding grade", the words "the Officer of the Military Engineer Services of that grade" shall be substituted;

(*g*) after clause (*xiii*), the following clauses shall be inserted, namely:—

'(*xiiia*) "factory" means a factory as defined in clause (*m*) of section 2 of the Factories Act, 1948; 63 of 1948.

(*xiiib*) "Forces" means the Army, Navy and Air Force or any part of any one or more of them;';

(*h*) after clause (*xiv*), the following clause shall be inserted, namely:—

'(*xv*) "hospital" includes family welfare centre, child welfare centre, maternity centre and health centre;';

(*i*) after clause (*xix*), the following clause shall be inserted, namely:—

'(*xixa*) "lower grade employee" means daftry, peon, bhisti, mali, lamp-lighter, chowkidar, mazdoor or safaiwala or any other employee declared by the Central Government to be a lower grade employee for the purposes of this Act;';

(*j*) for clause (*xx*), the following clause shall be substituted, namely:—

'(*xx*) "market" includes any place where persons assemble for the sale of, or for the purpose of exposing for sale, meat, fish, fruits, vegetables, animals intended for human food or any other articles of human food whatsoever, with or without the

consent of the owner of such place notwithstanding that there may be no common regulation for the concourse of buyers and sellers and whether or not any control is exercised over the business of, or the persons frequenting, the market by the owner of the place or by any other person, but shall not include a single shop or group of shops not being more than six in number and shops within unit lines;';

(*k*) clause (*xxa*) shall be omitted;

(*l*) for clauses (*xxi*) and (*xxii*), the following clauses shall be substituted, namely:—

'(*xxi*) "military officer" means a person who, being an officer within the meaning of the Army Act, 1950, the Navy Act, 1957 or the Air Force Act, 1950, is commissioned, gazetted or in pay as an officer doing army, naval or air force duty with the army, navy or air force, or is an officer doing such duty in any arm, branch or part of any of those forces;

46 of 1950
62 of 1957
45 of 1950

(*xxii*) "nuisance" includes any act, omission, place, animal or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing or disturbance to rest or sleep, or which is or may be dangerous to life or injurious to health or property;';

(*m*) for clause (*xxiv*), the following clause shall be substituted, namely:—

'(*xxiv*) "Officer Commanding the Area" means the Officer Commanding any one of the areas into which India is for military purposes for the time being divided, or any sub-area, which does not form part of any such area, or any area which the Central Government may, by notification in the Official Gazette, declare to be an area for all or any of the purposes of this Act;';

(*n*) in clause (*xxiva*), for the word "District", in both the places where it occurs, the word "Area" shall be substituted;

(o) for clause (*xxxv*), the following clause shall be substituted, namely:—

'(*xxxv*) "soldier" means any person who is a soldier or a sailor or an airman subject to the Army Act, 1950, the Navy Act, 1957 or the Air Force Act, 1950, as the case may be, and who is not a military officer;';

46 of 1950
62 of 1957
45 of 1950

(p) after clause (*xxxvii*), the following clause shall be inserted, namely:—

'(*xxxviia*) "sub-area" means one of the sub-areas into which India is for military purposes for the time being divided, and includes, for all or any of the purposes of this Act, any territory which the Central Government may, by notification in the Official Gazette, declare to be a sub-area for such purposes;'.

Amendment of section 3.

3. In section 3 of the principal Act, in sub-section (*1*), for the words "the Indian Army or the Indian Air Force", the words "the Forces" shall be substituted.

Amendment of section 10.

4. In section 10 of the principal Act, the words "and an Executive Officer" shall be omitted.

Omission of section 12.

5. Section 12 of the principal Act shall be omitted.

Amendment of section 13.

6. In section 13 of the principal Act, in clause (*b*) of sub-section (*3*) and clause (*b*) of sub-section (*4*), for the words "a Magistrate of the first class", the words "an Executive Magistrate" shall be substituted.

Amendment of section 14.

7. In section 14 of the principal Act, in sub-section (*2*), for clause (*c*), the following clause shall be substituted, namely:—

"(*c*) one member, not being a person in the service of the Government, nominated by the Central Government in consultation with the Officer Commanding-in-Chief, the Command.".

Amendment of section 15.

8. In section 15 of the principal Act,—

(*a*) in sub-section (*1*),—

(*i*) for the words "three years", the words "five years" shall be substituted;

(*ii*) after the proviso, the following proviso shall be inserted, namely:—

"Provided further that a member whose term of office has been so extended, shall cease to hold office on the date of the notification of the election of his successor under sub-section (*7*) of section 13.";

(*b*) in sub-section (*3*), for the words "date of election", the words "date of the notification of his election" shall be substituted.

Amendment of section 16.

9. In section 16 of the principal Act, in sub-section (*2*), in the proviso, for the words "three months", the words "six months" shall be substituted.

Amendment of section 17.

10. In section 17 of the principal Act,—

(*a*) after sub-section (*1*), the following sub-section shall be inserted, namely:—

"(*1A*) If a person is elected to more than one seat in a Board, then, unless he resigns all but one of the seats within fourteen days from the date on which he is declared elected, or where the dates on which he is declared elected are different in respect of different seats, from the last of such dates, all the seats shall become vacant.";

(*b*) in sub-section (*3*), for the words "where there has been a division of the cantonment into wards or of the inhabitants thereof into classes, be deemed to have been elected by such ward or class, as the case may be,", the words "where there has been a division of the cantonment into wards, be deemed to have been elected by such ward" shall be substituted.

Substitution of new section for section 18.

11. For section 18 of the principal Act, the following section shall be substituted, namely:—

Oath or affirmation.

'18. (*1*) Every person who is by virtue of his office, or who is nominated or elected to be, a member of the Board shall, before taking his seat, make and subscribe at a meeting of the Board an oath or affirmation of his allegiance to the Constitution of India in the following form, namely:—

"I, A.B., having { been elected / been nominated } a member of this Board;

do { swear in the name of God / solemnly affirm } that I will bear true faith and allegiance to the Constitution of India as by law established and that I will faithfully discharge the duty upon which I am about to enter.".

(*2*) If any such person fails to make and subscribe the oath or affirmation at one of the first two meetings held after the date of commencement of his term of office, the Central Government shall, by notification in the Official Gazette, declare his seat to be vacant:

Provided that a meeting where the member is absent with the leave of the Board shall not be taken into account.'.

Amendment of section 19.

12. In section 19 of the principal Act,—

(*a*) for sub-section (*1*), the following sub-section shall be substituted, namely:—

"(*1*) (*a*) Any elected member of a Board who wishes to resign his office may give his resignation in writing to the President of the Board who shall forward it for orders to the Central Government under intimation to the Officer Commanding-in-Chief, the Command.

(*b*) Any nominated member of a Board who wishes to resign his office may forward his resignation in writing through the President of the Board to the Officer Commanding-in-Chief, the Command for orders.";

(*b*) in sub-section (*2*), for the words "Central Government", the words "Central Government or the Officer Commanding-in-Chief, the Command, as the case may be," shall be substituted:

(c) after sub-section (2), the following sub-section shall be inserted, namely:—

"(3) Notwithstanding anything contained in sub-section (2), the resignation of any person elected to more than one seat in a Board from all but one of the seats in pursuance of sub-section (1A) of section 17 shall take effect when such resignation is received by the President of the Board.".

Amendment of section 20.

13. In section 20 of the principal Act, in sub-section (1), in the proviso, for the words "temporary absence from the station on duty or on station leave, or during the transfer of his headquarters to a hill station", the words "temporary absence from the station for a period not exceeding thirty consecutive days" shall be substituted.

Amendment of section 21.

14. In section 21 of the principal Act,—

(a) in sub-section (1), for the words "three years", the words "two years and six months" shall be substituted;

(b) after sub-section (2), the following sub-section shall be inserted, namely:—

"(3) A Vice-President may be removed from his office, at a special meeting convened for the purpose on a requisition for the same by not less than one-half of the elected members of the Board holding office, by a resolution passed by a majority of not less than two-thirds of the total number of elected members then holding office and attending and no member, other than an elected member, shall have the right to vote on the resolution.".

Amendment of section 22.

15. In section 22 of the principal Act, in sub-section (1), in clause (b), for the words "exercise supervision and control over", the words "control, direct and supervise" shall be substituted.

Substitution of new sections for section 24.

16. For section 24 of the principal Act, the following sections shall be substituted, namely:—

Appointment of Executive Officer.

'24. (1) For every cantonment there shall be an Executive Officer appointed by the Central Government or by such person as the Central Government may authorise in this behalf:

Provided that the Board may empower any of its members or officers to exercise or perform in the absence of the Executive Officer from the cantonment all or any of such powers or duties of an Executive Officer under this Act as the Central Government may, by notification in the Official Gazette, specify in this behalf.

Explanation.—In this proviso, the word "officers" shall mean any of the supervisory staff of the Board as may be specified by the Board.

(2) Not less than one-half of the cost of the salary of the Executive Officer shall be paid by the Central Government and the balance from the cantonment fund.

(3) The Executive Officer shall be the Secretary of the Board and of every Committee of the Board and may participate in every meeting of the Board and of every Committee of the Board, but, shall not be a member of the Board or of any such Committee.

Duties of Executive Officer.

24A. Subject to the provisions of clause (*b*) and clause (*d*) of sub-section (*1*) of section 22, the Executive Officer shall—

(*a*) exercise all the powers and perform all the duties conferred or imposed upon him by or under this Act or any other law for the time being in force;

(*b*) prescribe the duties of, and exercise supervision and control over the acts and proceedings of, officers and other employees of the Board, other than medical officer in charge of the cantonment general hospital or dispensary;

(*c*) be responsible for the custody of all records of the Board;

(*d*) arrange for the performance of such duties relative to the proceedings of the Board or of any Committee of the Board or of any Committee of Arbitration constituted under this Act, as those bodies may respectively impose on him;

(*e*) comply with every requisition of the Board on any matter pertaining to the administration of the cantonment.'.

Amendment of section 28.

17. In section 28 of the principal Act,—

(*a*) in sub-section (*1*), for the words "in receipt of pay in the military or civil service of Government", the words "holding any office of profit under the Government" shall be substituted;

(*b*) in sub-section (*2*),—

(*i*) in the opening portion, for the words "election or nomination as", the words and brackets "being chosen (whether by election or nomination) as, and for being" shall be substituted;

(*ii*) clauses (*dd*), (*ddd*) and (*e*) shall be re-lettered as clauses (*e*), (*f*) and (*i*) respectively, and,—

(*A*) in clause (*e*) as so re-lettered, after the word "Board", the words "or of any other local authority" shall be inserted;

(*B*) after clause (*f*) as so re-lettered, the following clauses shall be inserted, namely:—

"(*g*) has, by the authority referred to in clause (*f*) of section 31, been found to have been guilty of any of the corrupt practices specified in sub-section (*2*) of section 29 unless a period of five years has elapsed since the date of the finding or the disqualification has been removed either retrospectively or prospectively by an order of the Central Government; or

(*h*) fails to pay any arrears of any kind due by him otherwise than as an agent, receiver, trustee or an executor, to the Board within thirty days after the notice in this behalf has been served upon him; or";

(*iii*) in the proviso, in clause (*ii*), in sub-clause (*d*), for the figures "1,500", the figures "3,000" shall be substituted.

Substitution of new section for section 29.

18. For section 29 of the principal Act, the following section shall be substituted, namely:—

Interpretation.

'29. (*1*) For the purposes of sections 26, 27 and 28, "person" means an individual human being.

(*2*) The following shall be deemed to be corrupt practices within the meaning of clause (*g*) of sub-section (*2*) of section 28:—

(*1*) "Bribery", that is to say,—

(*A*) any gift, offer or promise by a candidate or his agent or by any other person with the consent of a candidate or his agent of any gratification, to any person whomsoever, with the object, directly or indirectly of inducing—

(*a*) a person to stand or not to stand as, or to withdraw or not to withdraw from being, a candidate at an election, or

(*b*) an elector to vote or refrain from voting at an election, or as a reward to—

(*i*) a person for having so stood or not stood, or for having withdrawn or not having withdrawn his candidature; or

(*ii*) an elector for having voted or refrained from voting;

(*B*) the receipt of, or agreement to receive, any gratification, whether as a motive or a reward—

(*a*) by a person for standing or not standing as, or for withdrawing or not withdrawing from being, a candidate; or

(*b*) by any person whomsoever for himself or any other person for voting or refraining from voting, or inducing or attempting to induce any elector to vote or refrain from voting, or any candidate to withdraw or not to withdraw his candidature.

Explanation.—For the purposes of this clause, the term "gratification" is not restricted to pecuniary gratifications or gratifications estimable in money and it includes all forms of entertainment and all forms of employment for reward but it does not include the payment of any expenses *bona fide* incurred at, or for the purpose of, any election.

(*2*) Undue influence that is to say, any direct or indirect interference or attempt to interfere on the part of the candidate or his agent, or of any other person with the consent of the candidate or his agent, with the free exercise of any electoral right:

Provided that—

(*a*) without prejudice to the generality of the provisions of this clause any such person as is referred to therein who—

(*i*) threatens any candidate or any elector, or any person in whom a candidate or an elector is interested,

with injury of any kind including social ostracism and ex-communication or expulsion from any caste or community; or

(*ii*) induces or attempts to induce a candidate or an elector to believe that he, or any person in whom he is interested, will become or will be rendered an object of divine displeasure or spiritual censure,

shall be deemed to interfere with the free exercise of the electoral right of such candidate or elector within the meaning of this clause;

(*b*) a declaration of public policy, or a promise of public action, or the mere exercise of a legal right without intent to interfere with an electoral right, shall not be deemed to interfere within the meaning of this clause.

(3) The appeal by a candidate or his agent or by any other person with the consent of a candidate or his agent to vote or refrain from voting for any person on the ground of his religion, race, caste, community or language or the use of, or appeal to religious symbols or the use of, or appeal to, national symbols, such as the national flag or the national emblem, for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.

(4) The promotion of, or attempt to promote, feelings of enmity or hatred between different classes of the citizens of India on grounds of religion, race, caste, community or language, by a candidate or his agent or any other person with the consent of a candidate or his agent for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.

(5) The publication by a candidate or his agent or by any other person, with the consent of a candidate or his agent of any statement of fact which is false, and which he either believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate, or in relation to the candidature, or withdrawal of any candidate, being a statement reasonably calculated to prejudice the prospects of that candidate's election.

(6) The hiring or procuring, whether on payment or otherwise, of any vehicle or vessel by a candidate or his agent or by any other person with the consent of a candidate, or his agent or the use of such vehicle or vessel for the free conveyance of any elector (other than the candidate himself, the members of his family or his agent) to or from any polling station or place fixed for the poll:

Provided that the hiring of a vehicle or vessel by an elector or by several electors at their joint costs for the purpose of conveying him or them to and from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause if the vehicle or vessel so hired is a vehicle or vessel not propelled by mechanical power:

Provided further that the use of any public transport vehicle or vessel or any tramcar or railway carriage by any elector at his own cost for the purpose of going to or coming from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause.

Explanation.—In this clause, the expression "vehicle" means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise and whether used for drawing other vehicles or otherwise.

(7) The obtaining or procuring or abetting or attempting to obtain or procure by a candidate or his agent or, by any other person with the consent of a candidate or his agent, any assistance (other than the giving of vote) for the furtherance of the prospects of that candidate's election, from any person in the service of the Government or the Board:

Provided that where any person, in the service of the Government or the Board in the discharge or purported discharge of his official duty, makes any arrangements or provides any facilities or does any other act or thing, for, to, or in relation to, any candidate or his agent or any other person acting with the consent of the candidate or his agent (whether by reason of the office held by the candidate or for any other reason), such arrangements, facilities or act or thing shall not be deemed to be assistance for the furtherance of the prospects of that candidate's election.

Explanation.—In this section, the expression "agent" includes any person who is held to have acted as an agent in connection with the election with the consent of the candidate.'.

Amendment of section 31.

19. In section 31 of the principal Act, after clause (*f*), the following clause shall be inserted, namely:—

"(*fa*) the fee to be paid for admission and consideration of any application relating to election or election disputes;".

Amendment of section 32.

20. Section 32 of the principal Act shall be renumbered as sub-section (1) thereof, and—

(*a*) in sub-section (1) as so renumbered, after the words "his own conduct or", the words "vote or take part in any discussion" shall be inserted;

(*b*) after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:—

"(2) Where any member of the Board present at the meeting of the Board or any committee of the Board believes that the person presiding over such meeting has pecuniary or other interest in any matter under discussion and moves a motion to that effect, the person so presiding—

(*a*) shall not be entitled to vote on such motion, and

(*b*) shall, if such motion is carried, absent himself from the meeting during such discussion.".

Amendment of section 33.

21. In section 33 of the principal Act, for the words "belonging to the Board", the words "belonging to, vested in, or entrusted to the management of, the Board" shall be substituted.

Amendment of section 34.

22. In section 34 of the principal Act, in sub-section (*2A*),—

(*a*) for the words "Central Government", the words "Officer Commanding-in-Chief, the Command" shall be substituted;

(*b*) the words "through the Officer Commanding-in-Chief, the Command," shall be omitted.

Insertion of new section 35A.

23. After section 35 of the principal Act and before the heading "*Servants*", the following section shall be inserted, namely:—

Member of the Board to be deemed a public servant.

'35A. Every member of the Board shall be deemed to be a public servant within the meaning of the Indian Penal Code, and in the definition of "legal remuneration" in section 161 of that Code, the word "Government" shall, for the purposes of this section, be deemed to include a Board.'.

45 of 1860.

Amendment of section 36.

24. In section 36 of the principal Act, in sub-section (*4*), for the words "menial servant", the words "lower grade employee" shall be substituted.

Amendment of section 39.

25. In section 39 of the principal Act, in sub-section (*2*), after the word "President", the words ", or in the absence of the President, the Vice-President, or in the absence of both the President and the Vice-President, the Secretary" shall be inserted.

Amendment of section 41.

26. In section 41 of the principal Act,—

(*a*) in sub-section (*1*), for the words "the President", the words "the person presiding over the meeting" shall be substituted;

(*b*) in sub-section (*2*), for the words "the Officer Commanding the District, the Officer Commanding the brigade area, the District Magistrate and the Military Estates Officer", the words "the Officer Commanding the Area, the Officer Commanding the sub-area, the District Magistrate and the Defence Estates Officer and in cantonments where Navy or Air Force stations are located, copies of the minutes shall be forwarded for information to the Command Headquarters of the Navy or, as the case may be, the Air Force" shall be substituted.

Amendment of sections 42 and 43.

27. In section 42 and in sub-section (*2*) of section 43, for the word "President", the words "person presiding over the meeting" shall be substituted.

Amendment of section 43A.

28. In section 43A of the principal Act, after sub-section (*2*), the following sub-section shall be inserted, namely:—

"(*3*) The powers, duties and functions of the Board under section 126, section 127, sub-section (*1*) of section 134, section 137, section 139, section 142, section 144, section 189 and section 195 shall be exercised or discharged in respect of a civil area by the civil area committee:

Provided that if the Health Officer dissents from any decision arrived at by the committee under sub-section (*1*) of section 134, section 137, section 139, section 142, section 144 on health grounds, the matter may be referred to the Board by the President for decision.".

Amendment of section 44.

29. In section 44 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely:—

"(4) Every regulation made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the regulation or both Houses agree that the regulation should not be made, the regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that regulation.".

Amendment of section 45.

30. In section 45 of the principal Act,—

(a) in sub-section (1), in clause (b), for the words "aggregate area comprising the areas subject to the control of the Board and such other local authority", the words "area subject to the control of the Board and such other local authority (hereafter in this section referred to as the aggregate area)" shall be substituted;

(b) in sub-section (3),—

(i) for clauses (a) and (b), the following clause shall be substituted, namely:—

"(a) where the agreement relates to octroi or terminal tax or toll, the party to the agreement (the Board or as the case may be such other local authority) which is specified in this behalf in the agreement—

(i) shall have the same powers to establish octroi limits and octroi stations and places for the collection of octroi, terminal tax and toll within the aggregate area as it has within the area ordinarily subject to its control;

(ii) shall have the same powers of collecting such octroi, tax or toll in the aggregate area and the provisions of any enactment in force relating to the levy of such octroi, tax or toll by it shall apply in the same manner as if the aggregate area were comprised within the area ordinarily subject to its control;";

(ii) clause (c) shall be re-lettered as clause (b) and for clause (b) as so re-lettered, the following clause shall be substituted, namely:—

"(b) the total of the collection of such octroi, tax or toll made in the aggregate area and the costs thereby incurred shall be divided between the cantonment fund and the fund subject to the control of such other local authority, in such proportion, as may have been determined by the agreement.".

Amendment of section 46.

31. In section 46 of the principal Act, after the words "Central Government", the words "or such officer or authority as may be authorised by the Central Government in this behalf" shall be inserted.

Amendment of section 47.

32. In section 47 of the principal Act, after the words "Central Government or the Officer Commanding-in-Chief, the Command", the words "or the Director or such other officer or authority as may be authorised by the Central Government in this behalf" shall be inserted.

Amendment of section 48.

33. In section 48 of the principal Act, after the words "Officer Commanding-in-Chief, the Command", the words "or the Director" shall be inserted.

Amendment of section 51.

34. In section 51 of the principal Act, in sub-section (*1*),—

(*i*) for the words "the health, welfare or discipline of the troops", the words "the health, welfare, discipline or security of the Forces" shall be substituted;

(*ii*) for the word "District", in both the places where it occurs, the word "Area" shall be substituted.

Insertion of new section 51A.

35. After section 51 of the principal Act, the following section shall be inserted, namely:—

Power of Central Government to review.

"51A. The Central Government may, at any time, review any decision or order of the Board or the Officer Commanding-in-Chief, the Command, and pass such orders thereon as it may deem fit:

Provided that where it is proposed to modify a decision or order of the Board, reasonable opportunity shall be given to the Board to show cause why the decision or order in question should not be modified.".

Amendment of section 56.

36. In section 56 of the principal Act,—

(*a*) for the words "military or air force law", in both the places where they occur, the words "Army, Navy or Air Force law" shall be substituted;

(*b*) for the words "one hundred rupees", the words "five hundred rupees" shall be substituted.

Amendment of section 57.

37. In section 57 of the principal Act,—

(*a*) in clause (*a*), for the words "military or air force law", the words "Army, Navy or Air Force law" shall be substituted;

(*b*) for the words "fifty rupees", the words "two hundred and fifty rupees" shall be substituted;

(c) for the words "one hundred rupees", the words "five hundred rupees" shall be substituted.

Amendment of section 58.

38. In section 58 of the principal Act,—

(*a*) in sub-sections (*1*) and (*2*), for the word "Magistrate", the words "Judicial Magistrate" shall be substituted;

(*b*) in sub-section (*4*), for the words and figures "Chapter XLIII of the Code of Criminal Procedure, 1898", the words and figures "Chapter XXXIV of the Code of Criminal Procedure, 1973" shall be substituted.

5 of 1898.
2 of 1974.

39. In section 60 of the principal Act, in sub-section (*2*) words "Official Gazette", the words "or where any late in this behalf in the notification, from such later date" s

40. In section 62 of the principal Act,—

(*a*) in sub-section (*1*), for the words "any objecti "such objection" shall be substituted;

(*b*) for sub-sections (*2*) and (*3*), the following sub-section shall be substituted, namely:—

"(*2*) Unless the Board decides to abandon its proposals contained in the notice published under section 61, it shall submit to the Central Government through the Officer Commanding-in-Chief, the Command, all such proposals along with the objections, if any, received in connection therewith together with its opinion thereon and any modifications proposed in accordance with such opinion and the notice published under the said section.".

Insertion of new section 63A.

41. After section 63 of the principal Act, the following section shall be inserted, namely:—

Power of Central Government to issue directions to the Board.

"63A. (*1*) Where the Central Government is of opinion that for securing adequate financial provision for the efficient discharge of the duties and functions of a Board it is necessary so to do, it may issue directions to the Board requiring it to impose within the cantonment area any tax specified in the direction which it is empowered under this Act to impose and which is not already imposed within the said area or to enhance any existing tax in such manner or to such extent as the Central Government considers fit and the Board shall, in accordance with the direction, forthwith impose or enhance such tax in accordance with the provisions of this Chapter:

Provided that—

(*a*) no such directions shall be issued without giving the Board and the inhabitants of the cantonment area, an opportunity of showing cause why such directions should not be issued;

(*b*) the Central Government shall take into consideration any objection which the Board or any inhabitant of the cantonment area may make against the imposition or enhancement of such tax;

(*c*) it shall not be lawful for the Board to modify or abolish such tax when imposed or enhanced without the sanction of the Central Government.

(*2*) The Central Government may, at any time, cancel or modify any direction issued by it under sub-section (*1*) with effect from such date as may be specified in the direction and on and from the date so specified the imposition or enhancement of such tax, shall cease or be modified accordingly.".

Amendment of section 65.

42. In section 65 of the principal Act, after sub-section (*2*), the following sub-section shall be inserted, namely:—

"(*2A*) The liability of the several owners of any building which is, or purports to be, severally owned in parts or flats or rooms or separate tenements for the payment of such tax or any instalment thereof payable during the period of such ownership shall be joint and several.".

Amendment of section 66.

43. In section 66 of the principal Act,—

(*a*) for the word "Board", the words "Executive Officer" shall be substituted;

(*b*) for the words "in such form", the words "in such form and in such manner" shall be substituted,

Amendment of section 67.

44. In section 67 of the principal Act, for the word "Board", the words "Executive Officer" shall be substituted.

Amendment of section 68.

45. In section 68 of the principal Act,—

(*a*) in sub-section (*1*),—

(*i*) for the word "Board", the words "Executive Officer" shall be substituted;

(*ii*) for the words "when it will proceed", the words "when the Board will proceed" shall be substituted;

(*iii*) for the words "it shall also give", the words "the Executive Officer shall also give" shall be substituted;

(*b*) in sub-section (*2*), for the word "Board", in both the places where it occurs, the words "Executive Officer" shall be substitued.

Amendment of section 72.

46. In section 72 of the principal Act, for the word "Board", the words "Executive Officer" shall be substituted.

Amendment of section 74.

47. In section 74 of the principal Act, in sub-section (*2*), for the words "fifty rupees", the words "two hundred and fifty rupees" shall be substituted.

Amendment of section 75.

48. In section 75 of the principal Act, after the words "as it thinks fit", the following words shall be inserted, namely:—

"but no remission or refund shall take effect in respect of any period commencing more than two months before the delivery of such application".

Amendment of sections 76 and 77.

49. In sections 76 and 77 of the principal Act, for the words "such portion of any tax", wherever they occur, the words "one-half of such portion of any tax" shall be substituted.

Amendment of section 77A.

50. In section 77A of the principal Act, for the word "Board", the words "Executive Officer" shall be substituted.

Amendment of section 79.

51. In section 79 of the principal Act, in sub-section (*2*), for the words "fifty rupees", the words "two hundred and fifty rupees" shall be substituted.

Amendment of section 82.

52. In section 82 of the principal Act,—

(*a*) in sub-section (*1*), for the words "fifty rupees", the words "two hundred and fifty rupees" shall be substituted;

(*b*) in sub-section (*3*), for the word "Board", the words "Executive Officer" shall be substituted;

(*c*) in sub-section (*5*), for the words "to the Board", the words "to the Executive Officer" shall be substituted.

Amendment of section 83.

53. In section 83 of the principal Act, in the proviso, for the word "Board", the words "Executive Officer" shall be substituted.

Amendment of section 84.

54. In section 84 of the principal Act,—

(*a*) for sub-sections (*1*) and (*2*), the following sub-sections shall be substituted, namely:—

"(*1*) An appeal against the assessment or levy of, or against the refusal to refund, any tax under this Act shall lie to the District Court.

(*2*) If the District Court, on the hearing of an appeal under this section, entertains reasonable doubt on any question as to the liability to, or the principle of assessment of, a tax, the Court may, either on its own motion or on the application of the appellant, draw up a statement of the facts of the case and the point on which doubt is entertained, and refer the statement with its opinion on the point for the decision of the High Court.";

(*b*) after sub-section (*3*), the following *Explanation* shall be inserted, namely:—

'*Explanation.*—For the purposes of this section and section 85, section 86, section 87, section 88 and section 92A, "District Court", in relation to a cantonment, means the principal Civil Court of original jurisdiction having jurisdiction over the area in which that cantonment is situated, and includes such other Civil Court having jurisdiction over that area, as the Central Government may, by notification in the Official Gazette, specify in this behalf, in consultation with the High Court having jurisdiction over that area.'.

Amendment of section 85.

55. In section 85 of the principal Act, for the words "discretion of the officer", the words "discretion of the District Court" shall be substituted.

Amendment of section 86.

56. Section 86 of the principal Act shall be renumbered as sub-section (*1*) thereof and—

(*i*) in sub-section (*1*) as so renumbered, for the words "the officer", the words "the District Court" shall be substituted;

(*ii*) after sub-section (*1*) as so renumbered, the following sub-section shall be inserted, namely:—

"(*2*) Where the appellant fails to pay any costs awarded to the Board within ten days after the date of the order for payment thereof, the same shall be recoverable by the Board in the same manner as moneys recoverable by the Board under section 259.".

Amendment of section 87.

57. In section 87 of the principal Act, in the proviso to clause (*a*), for the word "court", the words "District Court" shall be substituted.

Amendment of section 88.

58. In section 88 of the principal Act, for the words "appellate authority", wherever they occur, the words "District Court" shall be substituted.

Amendment of section 91.

59. In section 91 of the principal Act, in sub-section (2), for the words "one rupee", the words "two rupees" shall be substituted.

Amendment of section 92.

60. In section 92 of the principal Act, in sub-section (1),—

(*a*) after the words "by distress and sale of the movable property", the words ", or attachment and sale of the immovable property" shall be inserted;

(*b*) after the proviso, the following proviso shall be inserted, namely:—

"Provided further that the sale of any immovable property attached under this sub-section shall not be made, save under the orders of the Board.".

Insertion of new section 92A.

61. After section 92 of the principal Act, the following section shall be inserted, namely:—

Interest payable on taxes due.

"92A. (1) If a person on whom a notice of demand has been served under section 91, does not, within thirty days from the service of such notice, pay the sum demanded in the notice, he shall be liable to pay by way of interest, in addition to the sum and other charges due,—

(*a*) one-half per cent of the sum due for each complete month for the first six months, from the date of the expiry of the period of thirty days aforesaid; and

(*b*) one per cent. of the sum due for each complete month thereafter, during the time he continues to make default in the payment of the sum due.

(2) The amount of interest shall be recoverable in the same manner as moneys recoverable by the Board under section 259:

Provided that—

(*a*) where no appeal has been preferred, the Executive Officer with the previous sanction of the Board, and

(*b*) in any other case, the District Court hearing the appeal under section 84,

may remit the whole or any part of the interest payable in respect of any period.".

Amendment of section 94.

62. In section 94 of the principal Act,—

(*a*) in sub-section (3),—

(*i*) for the words "from whose possession the property was taken" the words "whose property has been sold or his legal representative" shall be substituted;

(*ii*) after the words "such person", the words "or representative" shall be inserted;

(*b*) in sub-section (4), for the words "one rupee", the words "two rupees" shall be substituted.

(ii) for the words "a bill", the words "a notice of demand" shall be substituted;

(b) for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) If, on the service of such notice, such person does not forthwith pay the sum so due or about to become due, the amount shall be leviable by distress and sale of movable property or attachment and sale of immovable property in the manner hereinbefore provided in this Chapter, and the warrant of such distress and sale or attachment and sale may be issued and executed without any delay.".

Amendment of section 96.

65. In section 96 of the principal Act, for the words "distress and sale", the words "distress and sale of movable property or attachment and sale of immovable property" shall be substituted.

Amendment of section 99.

66. In section 99 of the principal Act, in sub-section (2), for clause (f), the following clause shall be substituted, namely:—

"(f) any buildings or lands, or portion of such buildings or lands, which are the property of the Government."

Amendment of section 102.

67. In section 102 of the principal Act, in the proviso, for the words "fifty rupees", the words "two hundred and fifty rupees" shall be substituted.

Amendment of section 103.

68. In section 103 of the principal Act,—

(a) in sub-section (1), in clause (a), for the words "to pay any tax", the words "to pay, or has correctly paid, any tax" shall be substituted;

(b) in sub-section (2), for the words "one hundred rupees", the words "five hundred rupees" shall be substituted.

Amendment of section 105.

69. In section 105 of the principal Act,—

(a) for the words "distress levied", the words "distress levied or attachment made" shall be substituted;

(b) for the words "warrant of distress", the words "warrant of distress or attachment and sale" shall be substituted.

Amendment of section 107.

70. In section 107 of the principal Act,—

(a) for sub-sections (1) and (2), the following sub-section shall be substituted, namely:—

'(1) Where in or near a cantonment there is a Government treasury or sub-treasury or a branch of the State Bank of India or a subsidiary bank or a nationalised bank, the cantonment fund shall be kept in such treasury, sub-treasury or bank as the Board may deem fit.

Explanation.—In this section,—

(i) "nationalised bank" means a corresponding new bank specified in the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 or the Banking Companies (Acquisition and Transfer of Undertakings) Act 1980;

5 of 1970.

Insertion of new section 94A.

63. After section 94 of the principal Act, the following section shall be inserted, namely:—

Attachment and sale of immovable property.

"94A. (1) When a warrant is issued for the attachment and sale of immovable property, the attachment shall be made by an order prohibiting the defaulter from transferring or charging the property in any way, and all persons from taking any benefit from such transfer or charge, and declaring that such property would be sold unless the amount of tax due with all costs of recovery is paid in the office of the Board within fifteen days from the date of attachment.

(2) An order under sub-section (1) shall be proclaimed at some place on or adjacent to such property by beat of drum or other customary mode and a copy of the order shall be fixed on a conspicuous part of the property and upon a conspicuous part of the office of the Board and also, when the property is land paying revenue to the Government, in the office of the Collector.

(3) Any transfer of or charge on the property attached or any interest thereon made without the written permission of the Executive Officer shall be void as against all claims of the Board enforceable under the attachment.

(4) Where the sum due to the Board together with the cost incurred by the Board in the sale of the property, and a sum equal to five per cent. of the purchase money for payment to the purchaser is paid by the defaulter, before the confirmation of the sale under sub-section (5), the attachment, if any, of the immovable property shall be deemed to have been removed.

(5) After the sale of the property by auction as aforesaid, it shall be confirmed in writing by the Executive Officer who shall put the person declared to be the purchaser in possession of the same and shall grant him a certificate to the effect that he has purchased the property to which the certificate refers.

(6) The Central Government may make rules for—

(a) regulating the manner of execution of warrants for the attachment and sale of immovable property;

(b) charging of fees for the attachment and sale of immovable property, to be included in the cost of recovery of the tax due;

(c) summary determination of any claim made by any person other than the person liable for the payment of any tax, in respect of any property attached in execution of warrant under this section.".

Amendment of section 95.

64. In section 95 of the principal Act,—

(a) in sub-section (1),—

(i) for the words "remove from the cantonment", the words "move from the cantonment" shall be substituted;

(*ii*) "State Bank of India" means the State Bank of India constituted under the State Bank of India Act, 1955; 23 of 1955

(*iii*) "subsidiary bank" means a subsidiary bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959.'; 38 of 1959

(*b*) sub-sections (*3*) and (*4*) shall be renumbered respectively as sub-sections (*2*) and (*3*), and in sub-section (*3*) as so renumbered, for the word, brackets and figure "sub-section (*3*)", the word, brackets and figure "sub-section (*2*)" shall be substituted.

Amendment of section 109.

71. In section 109 of the principal Act, in the second proviso, clause (*d*) shall be omitted.

Amendment of section 113.

72. In section 113 of the principal Act, in sub-section (*1*), in clause (*b*), for the words "two hundred rupees", the words "one thousand rupees" shall be substituted.

Amendment of section 114.

73. In section 114 of the principal Act, in sub-section (*1*),—

(*a*) for the words "one hundred rupees", the words "five hundred rupees" shall be substituted;

(*b*) in the proviso, for the words "five hundred rupees", the words "two thousand and five hundred rupees" shall be substituted.

Amendment of section 116.

74. In section 116 of the principal Act,—

(*a*) in clause (*h*), after the words "sewerage works", the words "and regulating their use" shall be inserted;

(*b*) in clause (*l*), for the word "vaccination", the words "vaccination and inoculation" shall be substituted;

(c) clauses (*m*) and (*n*) shall be omitted;

(d) in clause (*p*), the word "and" occurring at the end shall be omitted;

(e) after clause (*p*), the following clauses shall be inserted, namely:—

"(*pa*) establishing and maintaining civil defence services;

(*pb*) preparing and implementing town planning schemes;".

Amendment of section 117.

75. In section 117 of the principal Act, in sub-section (*1*),—

(*a*) for clause (*d*), the following clause shall be substituted, namely:—

"(d) furthering educational objects;"

(*b*) in clause (*g*), for the words "local epidemics", the words "local epidemics, floods, famines or other natural calamities" shall be substituted;

(*c*) in clause (*j*), the word "or" occurring at the end shall be omitted;

(*d*) clause (*k*) shall be relettered as clause (*t*) and before clause (*t*) as so relettered, the following clauses shall be inserted, namely: —

"(*k*) establishing and maintaining cattle pounds;

(*l*) arranging for civic reception with prior approval of the Officer Commanding-in-Chief, the Command;

(*m*) providing housing accommodation for any class of inhabitants;

(*n*) establishing and maintaining or supporting public hospitals and dispensaries, and providing public medical relief;

(*o*) celebrating Independence Day and Republic Day and incurring expenditure thereon;

(*p*) developing land resources under the management of the Board;

(*q*) preparing and implementing group housing schemes;

(*r*) establishing remunerative projects;

(*s*) developing small-scale and cottage industries;"

Amendment of section 118.

76. In section 118 of the principal Act,—

(*a*) in sub-section (*1*),—

(*i*) in clause (*a*),—

(*a*) in sub-clause (*viii*), for the word "carts", the word "vehicles" shall be substituted;

(*b*) in sub-clause (*xv*),—

(*1*) for the word "Board", in both the places where it occurs, the words "Executive Officer" shall be substituted;

(*2*) for the word "cart", in both the places where it occurs, the word "vehicle" shall be substituted;

(*ii*) in clauses (*b*) and (*g*), for the word "Board", the words "Executive Officer" shall be substituted;

(*iii*) in clause (*h*), after the word "shouting", the words "or by using megaphone or loud-speaker" shall be inserted;

(*iv*) in clause (*k*), for the words "Board and in such manner as it may authorise", the words "Executive Officer and in such manner as he may authorise" shall be substituted;

(*v*) in clause (*l*), the word "or" shall be inserted at the end;

(*vi*) after clause (*l*), the following clause shall be inserted, namely:—

"(*m*) uses or permits to be used without previous permission of the Executive Officer any premises for any trade involving offensive smell or smoke;"

(*vii*) for the words "fifty rupees" occurring at the end, the words "two hundred and fifty rupees" shall be substituted;

(b) in sub-section (3), for the words "twenty rupees", the words "one hundred rupees" shall be substituted.

Amendment of section 119.

77. In section 119 of the principal Act,—

(a) in sub-section (2), in clause (a), for the word "unit", at both the places where it occurs, the words "unit or establishment or detachment" shall be substituted;

(b) in sub-section (3),—

(i) in the opening portion, for the words "A Board", the words "The Executive Officer" shall be substituted;

(ii) in clause (a), for the word "it", the word "he" shall be substituted.

Amendment of section 121.

78. In section 121 of the principal Act, in sub-section (2), in the proviso, for the words "that Authority", the word "it" shall be substituted.

Amendments of section 123.

79. In section 123 of the principal Act, in the proviso, the words ", subject to the permission in writing of the Board," shall be omitted.

Amendment of section 124.

80. In section 124 of the principal Act,—

(a) in sub-section (1),—

(i) for the words and figures " the Cinematograph Act, 1918" the words "any other law relating to sanctioning of cinematograph films for exhibition" shall be substituted; 2 of 1918.

(ii) for the words "or pantomime,", the words ", pantomime, circus, carnival, exhibition, dance or other similar show for public recreation or amusement," shall be substituted;

(b) in sub-section (2),—

(i) for the words "or pantomime,", the words ", pantomime, circus, carnival, exhibition, dance or other similar show for public recreation or amusement," shall be substituted;

(ii) for the words "two hundred rupees", the words "five hundred rupees" shall be substituted;

(iii) for the words "fifty rupees", the words "two hundred rupees" shall be substituted;

(c) in sub-section (3), for the words "or pantomime", in both the places where they occur, the words ", pantomime, circus, carnival, exhibition, dance or other similar show for public recreation or amusement," shall be substituted.

Amendment of section 125.

81. In section 125 of the principal Act,—

(a) for the words "or engages in any game in such manner as to cause", the words "or detonates or engages in any game or carries on works such as quarries, blasts, timber cutting or building operation in such manner as to cause" shall be substituted;

(*b*) for the words "fifty rupees", the words "two hundred and fifty rupees" shall be substituted.

Amendment of section 128.

82. In section 128 of the principal Act, for clauses (*a*), (*b*) and (*c*), the following clauses shall be substituted, namely:—

"(*a*) the Officer Commanding the army in the cantonment—all buildings and lands which are occupied or used for army purposes;

(*b*) the Officer Commanding the navy in the cantonment—all buildings and lands which are occupied or used for naval purposes;

(*c*) the Officer Commanding the air force in the cantonment—all buildings and lands which are occupied or used for air-force purposes;

(*d*) the Officer Commanding the station in the Command—all buildings and lands occupied or used for any defence purpose, other than those referred to in clauses (*a*), (*b*) and (*c*);

(*e*) the head of any civil department or railway administration occupying as such any part of the cantonment—all buildings and lands in his charge as head of that department or administration.".

Insertion of new section 130A. Duty of occupier to collect and deposit Rubbish, etc.

83. After section 130 of the principal Act, the following section shall be inserted, namely:—

'130A. (*1*) It shall be the duty of an occupier of a building or land—

(*a*) to make adequate arrangements for the house scavenging of the building or land;

(*b*) to provide receptacles of the type and in the manner prescribed by the Executive Officer for the collection therein of all filth, rubbish and other offensive matter from such building or land and to keep such receptacle in good condition and repair;

(*c*) to cause all filth, rubbish and other offensive matter collected in receptacles and to be removed and deposited in the public receptacles, depots or places provided or appointed under sub-section (*1*) of section 132.

(*2*) For the purposes of this section and section 131, "house scavenging" means the removal of filth, rubbish or other offensive matter from a privy, latrine, urinal, drain, cesspool or other common receptacle for such matter.'.

Amendment of section 131.

84. In section 131 of the principal Act,—

(*a*) in sub-section (*1*),—

(*i*) for the words "the Board", the words "the Executive Officer" shall be substituted;

(*ii*) for the words "a Board", the words "the Executive Officer" shall be substituted;

(*iii*) for the words "for such period as it thinks fit on such terms as it may prescribe", the words "for such period as he thinks fit on such terms as he may specify" shall be substituted;

(*b*) in sub-section (*2*),—

(*i*) for the words "the Board", the words "the Executive Officer" shall be substituted;

(*ii*) for the words "that Board", the words "the Board" shall be substituted;

(*c*) sub-section (*3*) shall be omitted.

Amendment of section 132

85. In section 132 of the principal Act, in sub-section (2), for the word "Board", the words "Executive Officer" shall be substituted.

Amendment of section 133.

86. In section 133 of the principal Act, in clause (*a*), in sub-clause (*iv*), the words "situate at not more than one hundred feet from the nearest boundary of the premises," shall be omitted.

Amendment of section 134.

87. In section 134 of the principal Act, in sub-section (2) after the words "the Command", the words "or the Director" shall be inserted.

Amendment of section 135.

88. In section 135 of the principal Act,—

(*a*) for the words "A Board", the words "The Executive Officer" shall be substituted;

(*b*) for the words "in its opinion", the words "in his opinion" shall be substituted.

Amendment of section 136.

89. In section 136 of the principal Act,—

(*a*) for the word "Board", in both the places where it occurs, the words "Executive Officer" shall be substituted;

(*b*) in the proviso, for the words and figures "Indian Factories Act, 1911", the words and figures "Factories Act, 1948" shall be substituted. 12 of 1911. 63 of 1948.

Amendment of section 139.

90. In section 139 of the principal Act, in sub-section (2),—

(*a*) for the words "fifty rupees", the words "two hundred and fifty rupees" shall be substituted;

(*b*) for the words "five rupees", the words "twenty-five rupees" shall be substituted.

Substitution of new section for section 141.

91. For section 141 of the principal Act, the following section shall be substituted, namely:—

Power to require land or building to be cleansed.

"141. (*1*) If any building or land, whether tenantable or otherwise, is—

(*i*) in an insanitary, filthy or unwholesome state; or

(*ii*) in the opinion of the Executive Officer, a nuisance to persons residing in the neighbourhood; or

(*iii*) overgrown with prickly pear or rank and noisome vegetation,

the Executive Officer may, by notice in writing, require the owner, lessee or occupier of such building or land to clean, lime-wash internally or externally, clear, or otherwise put such building or land in a proper state within such period as may be specified in the notice.

(*2*) Any person who fails to comply with the notice issued under sub-section (*1*) shall be punishable with fine which may extend to five hundred rupees, and, in the case of a continuing offence, with an additional fine which may extend to twenty-five rupees for each day after the first during which the offence continues.".

Amendment of section 143.

92. In section 143 of the principal Act,—

(*a*) for the words "A Board", the words "The Executive Officer" shall be substituted;

(*b*) for the words "to it", the words "to him" shall be substituted.

Amendment of section 145.

93. In section 145 of the principal Act, for the words "A Board", the words "The Executive Officer" shall be substituted.

Substitution of new section for section 150.

94. For section 150 of the principal Act, the following section shall be substituted, namely:—

Obligation concerning infectious or contagious diseases.

"150 (*1*) Any person being in charge of, or in attendance, whether as a medical practitioner or otherwise, upon any person in a cantonment whom he knows or has reason to believe to be suffering from a contagious or infectious disease, or being the owner lessee or occupier of any building in a cantonment in which he knows that any person is so suffering, shall, forthwith give information to the Board respecting the existence of such disease

(*2*) No person shall—

(*a*) knowing that he is suffering from a contagious or an infectious disease, expose other persons to the risk of infection by his presence or conduct in any public street or public place;

(*b*) having the care of a person whom he knows to be suffering from a contagious or an infectious disease cause or permit that person to expose other persons to the risk of infection by his presence or conduct in any such street or place as aforesaid;

(c) place or cause to be placed in a dustbin or other receptacle for the deposit of rubbish any matter which he knows or has reason to believe to have been exposed to infection from a contagious or an infectious disease and which has not been disinfected properly

(*d*) throw or cause to be thrown into any latrine or urinal any matter which he knows or has reason to believe to have been exposed to infection from a contagious or an infectious disease and which has not been disinfected properly.

(*3*) Nothing contained in sub-section (*1*) or sub-section (*2*) shall apply in the case of venereal disease where the person suffering therefrom is under specific and adequate medical treatment and is by reason of his habits and conditions of life and residence unlikely to spread the disease.

(*4*) Whoever—

(*a*) fails to give information or gives false information to the Board respecting the existence of such disease as is referred to in sub-section (*1*), or

(*b*) contravenes the provisions of sub-section (*2*),

shall be punishable with fine which may extend to five hundred rupees:

Provided that no person shall be punishable for failure to give information if he had reasonable cause to believe that the information had already been duly given.".

Amendment of section 159.

95. In section 159 of the principal Act, for the words "one hundred rupees", the words "five hundred rupees" shall be substituted.

Amendment of section 164.

96. In section 164 of the principal Act, in sub-section (*1*), for the word "Board", the words "Executive Officer" shall be substituted.

Amendment of section 167.

97. In section 167 of the principal Act, for the words "one hundred rupees", the words "five hundred rupees" shall be substituted.

Amendment of section 173.

98. In section 173 of the principal Act, the proviso shall be omitted.

Amendment of section 178.

99. In section 178 of the principal Act.—

(*a*) in sub-section (*1*), for the word "sweeper", the word "safaiwala" shall be substituted;

(*b*) in sub-section (*3*), for the words '"sweeper" includes any menial servant', the words '"safaiwala" includes any lower grade employee' shall be substituted.

Substitution of new section for section 178A.

100. For section 178A of the principal Act, the following section shall be substituted, namely:—

Sanction for building.

"178A. No person shall erect or re-erect a building on any land in a cantonment—

(*a*) in an area, other than the civil area, except with the previous sanction of the Board;

(*b*) in a civil area, except with the previous sanction of the Executive Officer,

nor otherwise than in accordance with the provisions of this Chapter and of the rules and bye-laws made under this Act relating to the erection and re-erection of buildings.".

Amendment of section 179.

101. In section 179 of the principal Act,—

(*a*) for sub-section (*1*), the following sub-section shall be substituted, namely:—

"(*1*) Whoever intends to erect or re-erect any building in a cantonment shall apply for sanction by giving notice in writing of his intention,—

(*a*) where such erection or re-erection is in an area, other than the civil area, to the Board;

(*b*) where such erection or re-erection is in a civil area, to the Executive Officer.";

(*b*) in sub-section (*2*), after clause (*e*), the following clause shall be inserted, namely:—

"(*ee*) converts into a dispensary, stall, shop, warehouse, godown, factory or garage any building originally constructed for human habitation, or".

Amendment of section 180.

102. In section 180 of the principal Act, in sub-section (*2*), for the word "Board", the words "Board or the Executive Officer, as the case may be," shall be substituted.

Insertion of new section 180A.

103. After section 180 of the principal Act, the following section shall be inserted, namely:—

Powers of Board under certain sections exercisable by Executive Officer.

"180A. The powers, duties and functions of the Board under section 181, sub-section (*1*) of section 182, section 183, section 183A and section 185 [excluding the provisos to sub-section (*1*) and the proviso to sub-section (*2*) of the said section 185] shall be exercised or discharged in a civil area by the Executive Officer.".

Amendment of section 181.

104. In section 181 of the principal Act,—

(*a*) for sub-section (*2*), the following sub-section shall be substituted, namely:—

"(*2*) The Board may refuse to sanction the erection or re-erection of any building on any grounds sufficient in the opinion of the Board affecting the particular building:

Provided that the Board shall refuse to accord sanction the erection or re erection of any building if such erection or re-erection is not in conformity with any general scheme sanctioned under section 181A.";

(*b*) in sub-section (*3*), for the words "Military Estates Officer", wherever they occur, the words "Defence Estates Officer" shall be substituted;

(c) in sub-section (*4*), after clause (*a*), the following clause shall be inserted, namely:—

"(*aa*) when the land on which it is proposed to erect or re-erect the building is entrusted to the management of the Board by the Government if the erection or re-erection constitutes a breach of the terms of the entrustment of management or contravenes any of the instructions issued by the Government regarding the management of the land by the Board, or".

Insertion of new section 181A.

105. After section 181 of the principal Act, the following section shall be inserted, namely:—

Power to sanction general scheme for prevention of over-crowding, etc.

"181A. The Officer Commanding-in-Chief, the Command may sanction a general scheme of erection or re-erection of buildings within such limits as may be specified in the sanction for the prevention of over-crowding or for purpose of sanitation, or in the interest of persons residing within those limits or for any other purpose, and may, in pursuance of such scheme, impose restrictions on the erection or re-erection of buildings within those limits:

Provided that no such scheme shall be sanctioned by the Officer Commanding-in-Chief, the Command, unless an opportunity has been given by a public notice to be published locally by the Executive Officer requiring persons affected or likely to be affected by the proposed scheme, to file their objections or suggestions in the manner specified in the notice, within a period of fifteen days of the publication of such notice, and after considering such objections and suggestions, if any, received by the Executive Officer within the said period.".

Insertion of new section 183B.

106. After section 183A of the principal Act, the following section shall be inserted, namely:—

completion notice.

"183B. Every person to whom sanction for the erection or re-erection of any building in any area in a cantonment has been given or deemed to have been given under section 181 by the Board or the Executive Officer, as the case may be, shall, within thirty days after completion of the erection or re-erection of the building give a notice of completion in writing to the Board or the Executive Officer, as the case may be, and the Board or the Executive Officer shall on receipt of such notice cause the building to be inspected in order to ensure that the building has been completed in accordance with the sanction given by the Board or the Executive Officer, as the case may be.".

Amendment of section 184.

107. In section 184 of the principal Act, for the words "five hundred rupees", the words "five thousand rupees" shall be substituted.

Amendment of section 186.

108. In section 186 of the principal Act—

(*a*) in clause (*a*), for the word "Board", the words "Board or the Executive Officer, as the case may be," shall be substituted;

(*b*) after clause (*a*), as so amended, the following clause shall be inserted, namely:—

"(*aa*) the manner in which and the form in which a notice of completion of erection or re-erection of any building in the cantonment shall be given to the Board or the Executive Officer, as the case may be, and the information and plans to be furnished with the notice;";

(*c*) in clause (*f*),—

(*i*) in sub-clause (*iv*), for the word "fire-places", the words "stair-cases, fire-places" shall be substituted;

(*ii*) in sub-clause (*vi*), for the words "and the stability of the structure", the words ", the stability of the structure and the protection of building from dampness arising from sub-soil" shall be substituted;

(*iii*) in sub-clause (*x*), for the words "fifty maunds", the words "eighteen quintals" shall be substituted.

Amendment of section 190.

109. In section 190 of the principal Act, for the words "A Board", the words "The Executive Officer" shall be substituted.

Amendment of section 191.

110. Section 191 of the principal Act shall be renumbered as sub-section (*1*) thereof, and—

(*a*) in sub-section (*1*), as so renumbered,—

(*i*) for the words "A Board", the words "The Executive Officer" shall be substituted;

(*ii*) for the words "as it may prescribe", the words "as the Board may prescribe" shall be substituted;

(*b*) after sub-section (*1*), as so renumbered, the following sub-section shall be inserted, namely:—

"(*2*) Where any article or thing is placed on any street or land under the management of the Board or the Defence Estates Officer so as to form an obstruction thereto or any encroachment thereon, the Executive Officer or, as the case may be, the Defence Estates Officer, may cause such article or thing to be removed and recover from the person who placed such article or thing the expenses incurred in that behalf in the same manner as moneys recoverable by the Board under section 259 and may also, if such person fails to offer satisfactory explanation, order the confiscation of such article or thing.".

Amendment of section 192.

111. In section 192 of the principal Act,—

(*a*) in sub-section (*1*), after the words "Officer Commanding-in-Chief, the Command", the words "or the Director" shall be inserted;

(*b*) in sub-section (*2*), for the words "A Board", the words "The Executive Officer" shall be substituted.

Amendment of section 193.

112. In section 193 of the principal Act,—

(*a*) for sub-section (*1*), the following sub-section shall be substituted, namely:—

"(*1*) A Board may determine the name or number by which any area, street or public place in the cantonment shall be

known, may cause such name or number to be affixed on any building in the cantonment in such place as it thinks fit and may also cause a number to be affixed to any such building.";

(*b*) in sub-section (*2*), for the words "twenty rupees", the words "one hundred rupees" shall be substituted;

(*c*) in sub-section (*3*),—

(*i*) for the word "number" at both the places where it occurs, the words "name or number" shall be substituted;

(*ii*) for the word "Board", the words "Executive Officer" shall be substituted.

Amendment of section 194.

113. In section 194 of the principal Act,—

(*a*) in sub-section (*1*), for the word "Board", the words "Executive Officer" shall be substituted;

(*b*) in sub-section (*2*),—

(*i*) in the opening portion, for the words "A Board", the words "The Executive Officer" shall be substituted;

(*ii*) in the proviso, for the words "orders of the Board", the words "orders of the Executive Officer" shall be substituted;

(*c*) in sub-section (*3*), for the word "Board", the words "Executive Officer" shall be substituted.

Amendment of section 196.

114. In section 196 of the principal Act,—

(*a*) for the words "twenty rupees", the words "two hundred and fifty rupees" shall be substituted;

(*b*) for the words "five rupees", the words "fifty rupees" shall be substituted.

Amendment of section 200.

115. In section 200 of the principal Act,—

(*a*) in the proviso, after the words "General Officer Commanding-in-Chief of the Command", the words "or the Director" shall be inserted;

(*b*) after the proviso, as so amended, the following further proviso shall be inserted, namely:—

"Provided further that the enjoyment of any such aforesaid right by any person for any length of time shall never be deemed to create or confer any tenancy right in such stall, shop, standing, shed, pan, public market or public slaughter-house.".

Amendment of section 202.

116. In section 202 of the principal Act,—

(*a*) in sub-section (*2*), in clause (*b*), the words ", when such animals are slaughtered for consumption by the troops or for the purpose of the sale of the flesh thereof to the troops" shall be omitted;

(*b*) in sub-section (*3*),—

(*i*) for the words "fifty rupees", the words "two hundred and fifty rupees" shall be substituted;

(*ii*) for the words "ten rupees", the words "fifty rupees" shall be substituted.

Amendment of section 204.

117 In section 204 of the principal Act, in sub-section (*1*),—

(*a*) for the words "fifty rupees", the words "two hundred and fifty rupees" shall be substituted;

(*b*) for the words "five rupees", the words "twenty-five rupees" shall be substituted.

Amendment of section 205.

118. In section 205 of the principal Act,—

(*a*) for the words "fifty rupees", the words "two hundred and fifty rupees" shall be substituted;

(*b*) for the words "five rupees", the words "twenty-five rupees" shall be substituted.

Amendment of section 207

119. In section 207 of the principal Act, in sub-section (*1*), for the words "the President of the Board,", the words "the President of the Board or the Executive Officer" shall be substituted.

Amendment of section 208.

120. In section 208 of the principal Act,—

(*a*) in clause (*f*), the word "and" occurring at the end shall be omitted;

(*b*) after clause (*g*), the following clause shall be inserted, namely:—

"(*h*) any other matter with respect to the regulation of such markets and slaughter-houses."

Amendment of section 209.

121. In section 209 of the principal Act, in sub-section (3), for the words "twenty rupees", the words "one hundred rupees" shall be substituted.

Amendment of section 210.

122. In section 210 of the principal Act,—

(*a*) in sub-section (*1*),—

(*i*) after clause (*i*), the following clause shall be inserted, namely:—

"(*ia*) vendors of spirituous liquor,"

(*ii*) in clause (*q*), the word "and" occurring at the end shall be omitted;

(*iii*) after clause (*r*), the following clause shall be inserted, namely:—

"(*s*) any other persons carrying on such other trade calling or occupation as the Central Government may, by notification in the Official Gazette, specify in this behalf,"

(*b*) in sub-section (*2*), for the words "are unsuitable", the words "are unfit or unsuitable" shall be substituted;

(*c*) in sub-section (*3*), in clause (*b*), for the words and figures "Indian Petroleum Act, 1899", the words and figures "Petroleum Act 1934" shall be substituted; 8 of 1899. 30 of 1934.

(*d*) in sub-section (*4*), for the words "such fees not exceeding the cost of granting the licences", the words "such reasonable fees" shall be substituted.

Amendment of section 213.

123. In section 213 of the principal Act,—

(*a*) for the words "two hundred rupees", the words "five hundred rupees" shall be substituted;

(*b*) for the words "forty rupees", the words "fifty rupees" shall be substituted.

Amendment of section 214.

124 In section 214 of the principal Act, for the words "fifty rupees", the words "two hundred rupees" shall be substituted.

Amendment of section 215.

125. In section 215 of the principal Act, in sub-section (**4**), for the words "one hundred rupees", the words "five hundred rupees" shall be substituted.

Amendment of section 216.

126. In section 216 of the principal Act,—

(*a*) in sub-section (*1*),—

(*i*) for the words "of the Board", the words "of the Executive Officer" shall be substituted;

(*ii*) the following proviso shall be added, namely:—

"Provided that the Executive Officer shall not grant such permission unless recommended by the Health Officer.";

(*b*) in sub-section (*3*), for the words "fifty rupees", the words "two hundred and fifty rupees" shall be substituted.

Amendment of section 219.

127. In section 219 of the principal Act, for the word "Board", wherever it occurs, other than in the proviso, the words "Executive Officer" shall be substituted.

Amendment of section 221.

128. In section 221 of the principal Act, for the word "Board", in both the places where it occurs, the words "Executive Officer" shall be substituted.

Amendment of section 224.

129. In section 224 of the principal Act,—

(*a*) in clause (*a*), for the words "as the Board may appoint", the words "as the Executive Officer may appoint" shall be substituted;

(*b*) in clause (*b*), for the words "authorised by it", the words "authorised by him" shall be substituted;

(*c*) in clause (*c*),—

(*i*) for the word "Board", at the first place where it occurs the words "Executive Officer" shall be substituted;

(*ii*) in sub-clause (*v*), for the words "by the Executive Officer", the words "by any other officer or servant of the Board authorised by the Executive Officer in writing in this behalf" shall be substituted.

Amendment of section 226.

130. In section 226 of the principal Act, for the words "fifty rupees", the words "two hundred and fifty rupees" shall be substituted.

Amendment of section 230.

131. In section 230 of the principal Act,—

(*a*) for the words "A Board", the words "The Executive Officer" shall be substituted;

(*b*) for the words "testing the quantity of any water, or the quantity or quality of any gas", the words "measuring the quantity of any water or gas or testing the quality thereof" shall be substituted.

Amendment of section 231.

132. In section 231 of the principal Act, for the words "to the satisfaction of the Board", the words "to the satisfaction of the Executive Officer" shall be substituted.

Amendment of section 232.

133. In section 232 of the principal Act, for the words "for testing the quantity or quality thereof", the words "for measuring the quantity, or testing the quality thereof" shall be substituted.

Amendment of section 236.

134. In section 236 of the principal Act,—

(*a*) in sub-section (*1*), for the words "two hundred rupees", the words "five hundred rupees" shall be substituted;

(*b*) in sub-section (*2*), before the words "or Air Force", the word ", Naval" shall be inserted.

Amendment of section 238.

135. In section 238 of the principal Act,—

(*a*) in sub-section (*1*),—

(*i*) in the opening portion, for the words "Magistrate of the first class", the words "Judicial Magistrate of the first class" shall be substituted;

(*ii*) clause (*c*) shall be omitted;

(*iii*) in clause (*d*), for the words and figures "Code of Criminal Procedure, 1898", the words and figures "Code of Criminal Procedure, 1973" shall be substituted;

5 of 1898.
2 of 1974.

(*b*) in sub-section (*3*), for the words "so directs", the words "so agrees" shall be substituted.

Amendment of section 239.

136. In section 239 of the principal Act, in sub-section (*1*), for the words "Armed Forces of the Union", the word "Forces" shall be substituted.

Amendment of section 240.

137. In section 240 of the principal Act,—

(*a*) for the words "two hundred rupees", the words "five hundred rupees" shall be substituted;

(*b*) for the words "twenty rupees", the words "fifty rupees" shall be substituted.

Amendment of section 241.

138. In section 241 of the principal Act, for the words "authorised by the Health Officer", the words "authorised by the Executive Officer or the Health Officer" shall be substituted.

Amendment of section 243.

139. In section 243 of the principal Act, in sub-sections (*1*) and (*2*), after the word "Board", the words "or the Executive Officer" shall be inserted.

Amendment of section 247.

140. In section 247 of the principal Act, for the proviso, the following proviso shall be substituted, namely:—

"Provided that no such notice shall be necessary if the place to be inspected is a factory or workshop or trade premises or a place used for carrying on any trade, calling or occupation specified in section 210 or a stable for horses or a shed for cattle or a latrine, privy or urinal or a work under construction, or for the purpose of ascertaining whether any animal intended for human food is slaughtered in that place in contravention of this Act or any bye-law made thereunder.".

Amendment of section 249.

141. In section 249 of the principal Act,—

(*a*) for the words "employed by a Board", the words "acting on behalf of the Board" shall be substituted;

(*b*) for the words "one hundred rupees", the words "five hundred rupees" shall be substituted.

Amendment of section 250.

142. In section 250 of the principal Act, in the proviso, in clause (*b*), in sub-clause (*ii*), before the words "or Air Force", the word ", Naval" shall be inserted.

Amendment of section 251.

143. In section 251 of the principal Act, for the words "commission of any offence", the words "commission of, or attempt to commit, any offence" shall be substituted.

Amendment of section 253.

144. Section 253 of the principal Act shall be renumbered as sub-section (*1*) thereof and after sub-section (*1*) as so renumbered, the following sub-sections shall be inserted, namely:—

"(*2*) Whenever under this Act or any rule or bye-law made thereunder the doing of, or the omission to do, anything or the validity of anything depends upon the approval, sanction, consent, concurrence, declaration, opinion or satisfaction of the Board, a written document signed by any officer or member specified in sub-section (*1*) purporting to convey or set forth such approval, sanction, consent, concurrence, declaration, opinion or satisfaction, shall be sufficient evidence thereof.

(*3*) Every licence, written permission, notice, bill, summons or other document which is required by this Act or any rule or bye-law made thereunder to bear the signature of the President, Vice-President or Executive Officer, or of any such member of any committee as has been specially authorised by the Board in this behalf shall be deemed to be properly signed if it bears facsimile of the signature of any such officer or member, as the case may be, stamped thereon.",

145. In section 256 of the principal Act,— Amendment of section 256.

(*a*) after the words "lawful for the Board", the words "or the civil area committee or the Executive Officer at whose instance the notice, order or requisition has been issued" shall be inserted;

(*b*) for the words "recoverable by the Board" the following shall be substituted, namely:—

"recoverable by the Executive Officer on demand, and if not paid within ten days after such demand, shall be recoverable in the same manner as moneys recoverable by the Board under section 259:

Provided that where the action or step relates to the demolition of any erection or re-erection under section 185 or the removal of any projection or encroachment under section 187, the Board or the civil area committee or the Executive Officer may request any police officer to render such assistance as considered necessary for the lawful exercise of any power in this regard and it shall be the duty of such police officer to render forthwith such assistance on such requisition.".

146. After section 256 of the principal Act and before the heading "*Recovery of money*", the following section shall be inserted, namely:— Insertion of new section 256A.

"256A. If the owner of any property in respect of which a notice as is referred to in section 256 has been given is prevented by the occupier from complying with such notice, the Board or the civil area committee or the Executive Officer at whose instance such notice has been given, may, by order, require the said occupier to permit the owner within eight days from the date of service of such notice to take all such action as may be necessary to comply with the said notice and such owner shall, for the period during which he is prevented as aforesaid, be exempt from any fine or penalty to which he might otherwise have become liable by reason of non-compliance with such notice.". Occupier not to obstruct owner when complying with notice.

147. In section 257 of the principal Act, in sub-section (*1*),— Amendment of section 257.

(*a*) after the words "the Board", the words "or the civil area committee or the Executive Officer at whose instance such notice has been issued" shall be inserted;

(*b*) for the words "pay to it", the words "pay to it or him" shall be substituted;

(*c*) for the proviso, the following proviso shall be substituted, namely:—

"Provided that, if the occupier, on application made to him by the Board or the civil area committee or the Executive Officer at whose instance such notice has been issued, refuses truly to disclose the amount of his rent or the name or address of the person to whom it is payable, the Executive Officer may recover from the occupier the whole amount recoverable under section 256 in the same manner as moneys recoverable by the Board under section 259.".

Amendment of section 259.

148. In section 259 of the principal Act,—

(*a*) in sub-section (*1*),—

(*i*) for the words "rent on land and buildings and any other money recoverable by a Board or a Military Estates Officer", the words "and any other money recoverable, including rent on land and buildings due under leases or licences executed by or in favour of a Board or the Defence Estates Officer," shall be substituted;

(*ii*) for the word "Magistrate", the words "Judicial Magistrate" shall be substituted;

(*iii*) for the words "by the distress and sale of any movable property of, or standing timber, or growing crops belonging to, such person which is within the limits of such Magistrate's jurisdiction", the words "either by the distress and sale of movable property of such person, or by the attachment and sale of immovable property of that person, which is within the limits of the jurisdiction of such Judicial Magistrate, or by both these methods" shall be substituted;

(*b*) in sub-section (*2*),—

(*i*) for the word "Magistrate", the words "Judicial Magistrate" shall be substituted;

(*ii*) for the words "Military Estates Officer", the words "Defence Estates Officer" shall be substituted;

(c) after sub-section (2), the following sub-section shall be inserted, namely:—

"(*3*) Upon receiving the application, the Judicial Magistrate referred to in sub-section (*1*) may take action for the recovery of the amount of tax, rent or money from the person specified in the application as if such amount were a fine recoverable under a sentence passed by him and the provisions of sections 421 and 422 of the Code of Criminal Procedure, 1973, shall, so far as may be, apply to the recovery of such amount: 2 of 1974.

Provided that the recovery of no such amount shall be made by the arrest or detention in prison of the said person.".

Amendment of section 266.

149. In section 266 of the principal Act, sub-section (*2*) shall be omitted.

Amendment of section 268.

150. In section 268 of the principal Act,—

(*a*) for the words "two hundred rupees", the words "five hundred rupees" shall be substituted;

(*b*) for the words "twenty rupees", the words "fifty rupees" shall be substituted.

Insertion of new section 268A.

151. After section 268 of the principal Act, the following section shall be inserted, namely:—

Offences by companies.

'268A. (*1*) Where an offence under this Act has been committed by a company, every person who, at the time the offence was

committed, was in charge of, and was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(*2*) Notwithstanding anything contained in sub-section (*1*), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(*a*) "company" means any body corporate and includes a firm or other association of individuals; and

(*b*) "director", in relation to a firm, means a partner in the firm.'.

Substitution of new section for section 269.

152. For section 269 of the principal Act, the following section shall be substituted, namely:—

Cancellation or suspension of licences, etc.

"269. Where any person to whom a licence or written permission has been granted under this Act or any agent or servant of such person commits a breach of any of the conditions thereof, or of any bye-law made under this Act for the purpose of regulating the manner or circumstances in, or the conditions subject to, which anything permitted by such licence or written permission is to be or may be done, or where the Board or the civil area committee, as the case may be, is satisfied that such licence or written permission has been secured by the holder through misrepresentation or fraud, the Board or the civil area committee, as the case may be, may, without prejudice to any other penalty which may have been incurred under this Act, by order in writing, cancel the licence or written permission or suspend it for such period as it thinks fit:

Provided that no such order shall be made unless an opportunity has been given to the holder of the licence or written permission to show cause why it should not be made.".

Amendment of section 270.

153. In section 270 of the principal Act,—

(*a*) for the words "by the Magistrate", the words "by the Judicial Magistrate" shall be substituted;

(*b*) for the words "by distress and sale of the movable property of such person, and the Magistrate shall issue a warrant for its recovery accordingly", the words "either by the distress and sale of the movable property of such person, or by the attachment and sale of the immovable property of that person, or by both these

methods and the Judicial Magistrate shall recover the amount in accordance with the provisions of sections 421 and 422 of the Code of Criminal Procedure, 1973, as if it were a fine recoverable under a sentence passed by him" shall be substituted. 2 of 1974.

Amendment of section 271.

154. In section 271 of the principal Act, for the word "Magistrate", the words "Judicial Magistrate" shall be substituted.

Amendment of section 274.

155. In section 274 of the principal Act,—

(*a*) in sub-section (*1*), for the words "second column" and "third column", the words "third column" and "fourth column" shall respectively be substituted;

(*b*) in sub-section (*2*), for the words "fourth column", the words "fifth column" shall be substituted;

(c) in sub-section (*3*), for the words and figures "Indian Limitation Act, 1908", the words and figures "Limitation Act, 1963" shall be substituted. 9 of 1908. 36 of 1963.

Substitution of new section for section 276.

156. For section 276 of the principal Act, the following section shall be substituted, namely:—

Suspension of action pending appeal.

"276 On the admission of an appeal from an order, other than an order contained in a notice issued under section 140, section 176, section 181, section 206 or section 238, where the appellate authority so directs, all proceedings to enforce the order and all prosecutions for any contravention thereof shall be held in abeyance pending the decision of the appeal, and, if the order is set aside on appeal, disobedience thereto shall not be deemed to be an offence.".

Amendment of section 280.

157. In section 280 of the principal Act, in sub-section (*2*),—

(*i*) for clause (*c*), the following clause shall be substituted, namely:—

"(c) the tenure of office, salaries and allowances, provident funds, pensions, gratuities, leave of absence and other conditions of service of servants of Boards;";

(*ii*) clauses (*cc*), (*e*) and (*f*) shall be omitted.

Amendment of section 281.

158. In section 281 of the principal Act,—

(*a*) after sub-section (*1*), the following sub-section shall be inserted, namely:—

"(*1A*) The power to make rules under clause (*c*) of sub-section (*2*) of section 280 shall include the power to give retrospective effect from a date not earlier than the date of commencement of the Cantonments (Amendment) Act, 1982, to the rules or any of them but no retrospective effect shall be given to any rule so as to prejudicially affect the interests of any person to whom such rule may be applicable:

Provided that where any rule has to be given retrospective operation, the reasons therefor and the effect of giving such retrospective operation shall be published along with the draft of the rules when such draft is published for eliciting public opinion under sub-section (*1*) of section 280.";

(*b*) in sub-section (*2*), for the words "rules so made", the words "rules made under this Act" shall be substituted and after sub-section (*2*) as so amended, the following sub-section shall be inserted, namely:—

" (*3*) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.".

Amendment of section 232.

159. In section 282 of the principal Act,—

(*a*) for clause (*2*), the following clause shall be substituted, namely:—

"(*2*) the enforcement of compulsory vaccination and inoculation and levy of fees where such vaccination or inoculation is carried out at the houses of residents;";

(*b*) for clause (*4*), the following clause shall be substituted, namely:—

"(*4*) the regulation of any description of traffic in the streets and the enforcement of measures for the reduction of noise caused thereby or the prohibition of any description of such traffic;";

(*c*) in clause (*6*), after the words "the cantonment", the words "and regulation and control of cattle pounds" shall be inserted;

(*d*) in clause (*14*), the words "pounds, washing-places," shall be omitted;

(*e*) in clause (*16*), for the words and figures "under section 210", the words and figures "under section 124 or section 210" shall be substituted;

(*f*) in clause (*18*), after the words "the cantonment", the words "and the fees chargeable in respect thereof" shall be inserted;

(*g*) after clause (*19*), the following clause shall be inserted, namely:—

"(*19A*) the form of and the particulars which shall be contained in a development scheme or an improvement scheme and the manner in which such scheme shall be framed or altered;";

(*h*) in clause (*21*), after the word "animals", the words "and the fees chargeable in respect thereof" shall be inserted;

(*i*) in clause (*25*),—

(*a*) in sub-clause (*b*), after the words "on hire", the words "or used for hawking articles" shall be inserted;

(*b*) in sub-clause (*c*), after the words "for hire", the words "or used for hawking articles" shall be inserted;

(*j*) after clause (*27*), the following clause shall be inserted, namely:—

"(*27A*) the prescribing of fee payable for any licence (except as otherwise specifically provided in the Act) or for any written permission granted by the Board;";

(*k*) in clause (*37*), for the word "stables", the words "stables, kennels, sties" shall be substituted;

(*l*) in clause (*38*), the word "and" occurring at the end shall be omitted;

(*m*) clause (*39*) shall be renumbered as clause (*41*) and before clause (*41*) as so renumbered, the following clauses shall be inserted, namely:—

"(*39*) the regulation of supply of copies of official documents and prescribing the fee payable in respect thereof;

(*40*) the regulation of permission for granting licence for use of loud-speakers and prescribing the fee payable in respect thereof;".

Amendment of section 283.

160. Section 283 of the principal Act shall be renumbered as sub-section (*1*) thereof, and—

(*a*) in sub-section (*1*) as so renumbered,—

(*i*) in clause (*a*), for the words "one hundred rupees", the words "five hundred rupees" shall be substituted;

(*ii*) in clause (*b*), for the words "one hundred rupees" and "twenty rupees", the words "five hundred rupees" and "fifty rupees" shall respectively be substituted;

(*iii*) in clause (*c*), for the words "ten rupees", the words "fifteen rupees" shall be substituted;

(*b*) after sub-section (*1*) as so renumbered, the following sub-section shall be inserted, namely:—

"(*2*) Any such bye-law may also provide that a person contravening the same shall be required to remedy, so far as lies in his power, the damage or mischief, if any, caused by such contravention.".

161. For section 286A of the principal Act, the following section shall be substituted, namely:— Substitution of new section for section 286A

"286A. (1) The Board may, by a resolution passed in this behalf, delegate to the President, Vice-President, Executive Officer or Health Officer, subject to such conditions, if any, as may be specified in the resolution, all or any of its functions under clause (*b*) of sub-section (5) of section 119, section 161, section 163, section 168, section 169, section 196 and section 197. Power to delegate functions to the President, etc.

(2) The civil area committee may, by passing a similar resolution, delegate, subject to such conditions, if any, as may be specified in such resolution, all or any of its functions under section 189 and section 195 to the Vice-President, Executive Officer or Health Officer.".

162. In section 287 of the principal Act, in sub-section (2),— Amendment of section 287.

(*a*) for the words "Indian Registration Act", the words "Registration Act" shall be substituted;

(*b*) for the words "to the Board or", the words "to the Executive Officer and the Defence Estates Officer and" shall be substituted.

163. In section 289 of the principal Act, for the words "by the Board" the words "by the Executive Officer" shall be substituted. Amendment of section 289.

164. In section 291 of the principal Act, after the words "municipal authorities respectively", the words and figure "and the references to State Government in section 4 of that Act shall be construed as references to Central Government" shall be inserted. Amendment of section 291.

165. In Schedule I to the principal Act,— Amendment of Schedule I

(*a*) for the word "distress", the words $\frac{\text{"distress*}}{\text{attachment"}}$ shall be substituted;

(*b*) the following shall be inserted at the end, namely:—

"*Strike out whichever is not applicable.".

166. In Schedule II to the principal Act,— Amendment of Schedule II.

(*a*) for the word "distrain", the words $\frac{\text{"distrain*}}{\text{attach"}}$ shall be substituted;

(b) for the word "movable", the words "movable* / immovable" shall be substituted;

(c) for the word "seized", the words "seized* / attached" shall be substituted;

(d) the following shall be inserted at the end, namely:—

"*Strike out whichever is not applicable.".

Substitution of new Schedule for Schedule V.

167. For Schedule V to the principal Act, the following Schedule shall be substituted, namely:—

"SCHEDULE V

APPEALS FROM ORDERS

(*See* section 274)

1	2	3	4	5
S. No.	Section	Executive Order	Appellate Authority	Time allowed for appeal
1	126	Notice to remove, repair, protect or enclose a building, wall or anything affixed thereto, or wall, tank, reservoir, pool, depression or excavation.	Officer Commanding-in-Chief, the Command, or other authority authorised in this behalf by the Central Government.	Thirty days from service of notice.
2	134	Notice to fill up well, tank, etc., or to drain off or remove water.	Officer Commanding-in-Chief, the Command, or other authority authorised in this behalf by the Central Government.	Thirty days from service of notice.
3	135	Notice requiring the owner to provide latrine, urinal, cess pool, dust-bin or other receptacle.	Board	Fifteen days from service of notice.
4	136	Notice requiring provision of sanitary facilities in market, school, theatre or other place of public resort.	Board	Fifteen days from service of notice.
5	138	Notice for removal of congested building.	Officer Commanding-in-Chief, the Command, or other authority authorised in this behalf by the Central Government.	Thirty days from service of notice.
6	140	Notice requiring a building to be repaired or altered so as to remove sanitary defects.	Officer Commanding-in-Chief, the Command, or other authority authorised in this behalf by the Central Government.	Thirty days from service of notice.
7	142	Notice prohibiting owner or occupier to use a building or part of a building for human habitation.	Officer Commanding-in-Chief, the Command, or other authority authorised in this behalf by the Central Government.	Twenty-one days from service of notice.
8	176	Order directing a person to remove from the cantonment and prohibiting him from re-entering it without permission.	Officer Commanding-in-Chief, the Command, or other authority authorised in this behalf by the Central Government.	Thirty days from service of notice.

1	2	3	4	5
S. No.	Section	Executive Order	Appellate Authority	Time allowed for appeal
9	181	(*a*) Refusal to sanction the erection or re-erection of a building in a civil area.	Board	Thirty days from service of communication.
		(*b*) Refusal to sanction the erection or re-erection of a building in a cantonment (other than a civil area).	Officer Commanding-in-Chief, the Command, or other authority authorised in this behalf by the Central Government.	Thirty days from service of communication.
10	185	(*a*) Notice to stop erection or re-erection of, or to alter or demolish, a building in a civil area.	Board	Thirty days from service of notice.
		(*b*) Notice to stop erection or re-erection of, or to alter or demolish, a building in a cantonment (other than a civil area).	Officer Commanding-in-Chief, the Command, or other authority authorised in this behalf by the Central Government.	Thirty days from service of notice.
11	187	Notice requiring the owner or occupier to alter or remove any projection or encroachment.	Officer Commanding-in-Chief, the Command, or other authority authorised in this behalf by the Central Government.	Thirty days from service of notice.
12	188	Notice to pull down or otherwise deal with a building newly erected or rebuilt without permission over a sewer, drain, culvert, water course or water-pipe.	Officer Commanding-in-Chief, the Command, or other authority authorised in this behalf by the Central Government.	Thirty days from service of notice.
13	206	Notice prohibiting or restricting the use of a slaughter-house.	Officer Commanding-in-Chief, the Command, or other authority authorised in this behalf by the Central Government.	Twenty-one days from service of notice.
14	219	Notice requiring maintenance or closing of private source of public drinking water supply.	Board	Fifteen days from service of notice.
15	221	Notice requiring the owner, lessee or occupier of a building or land to obtain water from a source of public water supply.	Board	Fifteen days from service of notice.
16	224	Notice for cutting off the connection between any source of public water-supply and any building or land to which water is supplied.	Board	Fifteen days from service of notice.
17	238	Notice directing disorderly person to remove from cantonment and prohibiting him from re-entering it without permission.	District Magistrate	Thirty days from service of notice."

STATEMENT OF OBJECTS AND REASONS

The Cantonments Act, 1924 provides for the administration of cantonments. The Act, for the first time, allowed representation of the civil population in the administration of the cantonments. Amendments to the Act were made from time to time and the last such amendment was made in 1964. The existence and the growth of a large population inside cantonments necessitates the organisation of local self-government institutions side by side with different kinds of control. The governance of a large civil population involves civic responsibilities. A balance has to be struck between the interests of the Armed Forces from health, welfare and security point of view and the aspirations of the local population for participation in the administration of the cantonments.

2. Taking into consideration representations and suggestions made from various quarters and also other related matters like changes in the concept of municipal administration consistent with the necessity to ensure discipline, security, sanitation and health of the troops, the question as to what amendments should be made to the Act was referred to a Task Force which made a number of recommendations in this behalf.

3. Government has taken into consideration the recommendations made by the Task Force coupled with the need for streamlining and strengthening local administration of the Cantonment Board and proposes to make exhaustive amendments to the Cantonments Act. Some of the important amendments to the Act are—

(a) to provide for declaration of naval stations also as cantonments under the Cantonments Act, when necessary;

(b) to extend the term of office of the members of the Board from three to five years;

(c) to reduce the term of office of the Vice-President from three years to two and a half years which amounts to one-half of the tenure of a member in order to facilitate more than one elected member to hold the office of Vice-President and to provide for his removal through a no-confidence motion;

(d) to empower the Executive Officer to discharge certain routine day-to-day functions of the administration of Cantonment Board;

(e) to provide that the Cantonment Board acts as an appellate authority against the orders of the Executive Officer;

(f) to confer on the civil area committee some of the powers of the Cantonment Board in so far as the administration of civil areas is concerned;

(g) to enlarge or modify the list of obligatory duties and discretionary functions of the Cantonment Board;

(h) to remove lacunae in the Act in regard to recovery of property tax in respect of private buildings occupied by the Government and recovery of rent on account of leases;

(i) to enhance the amount of fines, fees and financial powers as provided in the Act, keeping in view the present-day rise in prices;

(j) to add to the list of orders issued under the Act against which an appeal would lie to the prescribed appellate authority and also provide that the stay of any orders appealed against would not be automatic but would lie at the discretion of the appellate authority;

(k) to remove certain difficulties experienced in the administration of the Act;

(l) to amend obsolete provisions, bring the Act up-to-date and re-arrange some of the sections consistent with the subject matter of the sections;

(m) to introduce order and clarity;

(n) to make consequential amendments in the Act for giving effect to the above proposals.

4. The notes on clauses explain in detail the various provisions contained in the Bill.

NEW DELHI; R. VENKATARAMAN.

The 22nd April, 1982.

Notes on clauses

Clause 2.—Expressions like "civil area", "civil area committee", "Defence Estates Officer", "Director", "factory", "Forces", "hospital", "lower grade employee", "market", "military officer", "nuisance", "Officer Commanding the Area", "soldier" and "sub-area" have been defined in accordance with the scheme of the Cantonments Act, 1924 (hereinafter referred to as the Act) as proposed to be amended by this Bill. The amendments to clauses (iia), (vii), (xii) and (xxiva) of section 2 of the Act and the omission of clauses (iii) and (xxa) thereof are verbal and consequential.

Clause 3.—This clause seeks to amend section 3 of the Act to empower the Central Government to declare also places occupied by naval stations as cantonments.

Clauses 4 *and* 5.—The amendment to section 10 and the omission of section 12 of the Act are consequential to the substitution of section 24 of the Act (*vide* clause 16).

Clause 6.—The amendment to section 13 of the Act has become necessary in view of the coming into force of the Code of Criminal Procedure, 1973 (2 of 1974).

Clause 7.—This clause seeks to amend section 14 of the Act to provide for nomination of a civilian member by the Central Government in consultation with the Officer Commanding-in-Chief, the Command, in a Board, the constitution of which was varied by the Central Government.

Clause 8.—This clause seeks to amend section 15 of the Act to provide that the term of office of all members of the Board shall be five years instead of three years and to ensure that the term of all elected members whose term is extended under the proviso to sub-section (1) of that section terminates on the date the election of their successors is notified in the Official Gazette. The date of commencement of the office of a member elected to fill a casual vacancy shall be calculated from the date of the notification of his election instead of the date of his election.

Clause 9.—Under section 16 of the Act no casual election will be held to fill up a vacancy occurring within three months of any date on which the vacancy will occur by efflux of time. This period of three months is considered inadequate and is proposed to be enhanced to six months.

Clause 10.—Section 17 of the Act relates to vacancies in a Board. It is proposed to provide for a person elected from more than one ward

to resign from all but one of the wards. It is also proposed to omit the division of inhabitants of the cantonments into classes as no such classes of inhabitants exist.

Clause 11.—This clause seeks to substitute a new section for existing section 18 of the Act. The intention is to standardise the form of oath of allegiance and to ensure that it is invariably taken.

Clause 12.—The procedure as contained in section 19 of the Act for resignation by an elected or nominated member from office and its acceptance by the Board is being revised.

Clause 13.—The expressions "temporary absence" and "station leave" occurring in the proviso to sub-section (1) of section 20 of the Act have created some difficulties in their interpretation. To remove these difficulties, it is proposed to provide that the Officer Commanding the Station, when he is holding the office of the President, shall not vacate the said office of the President for a temporary absence from the station for a period not exceeding thirty consecutive days.

Clause 14.—This clause seeks to amend section 21 of the Act. The term of office of a Vice-President is being fixed as two years and six months instead of three years. A provision has also been made that a Vice-President may be removed from office through a no-confidence motion passed by not less than two-thirds of elected members holding office and attending the meeting in which a resolution to that effect is passed.

Clause 15.—This clause seeks to amend section 22 of the Act to provide that the President of the Board shall control, direct and supervise the financial and executive administration of the Board.

Clause 16.—This clause seeks to substitute two new sections for section 24 of the Act and the new sections relate respectively the appointment and duties of the Executive Officer.

Clause 17.—This clause seeks to amend section 28 of the Act to provide that a person who holds any office of profit under the Government or is in employment of a local authority or is found guilty of a corrupt practice or fails to pay arrears of any kind to the Board may be disqualified for election or nomination as a member. It also provides to raise from rupees one thousand five hundred to rupees three thousand the monetary limit which will attract disqualification of a person who has an interest in a contract or work with the Board.

Clause 18.—This clause seeks to substitute a new section for the existing section 29 of the Act. The intention is to add the definition of the expression "corrupt practice" specified in sub-section (2) of section 28 on the lines of section 123 of the Representation of the People Act, 1951 (43 of 1951).

Clause 19.—At present there is no provision in section 31 of the Act to make rules for the levy of fee for admission and consideration of any application relating to election or election disputes. The Committee on Subordinate Legislation has recommended that the power to

levy fees of such a nature should flow from the statute itself. Accordingly, a new clause is being inserted in that section to enable the levy of fees.

Clause 20.—Sub-section (1) of section 32 of the Act is being amplified to prohibit a member from participating in discussion in a meeting of the Board or any of its committees on questions affecting his pecuniary interest and similar matters. A new sub-section is also being inserted in that section for excluding a person presiding over a meeting of the Board and from its deliberations in cases where he has some pecuniary or other interest in the matter under discussion.

Clause 21.—The liability of the members of the Board as contained in section 33 of the Act is being amplified so as to make it applicable also to any money or other property vested in, or entrusted to the management of, the Board.

Clause 22.—This clause seeks to amend section 34 of the Act. The power to remove from the Board any military officer nominated as a member of the Board is proposed to be conferred on the Officer Commanding-in-Chief, the Command, instead of the Central Government.

Clause 23.—This clause seeks to insert new section 35A in the Act to provide that every member of the Board shall be deemed to be a public servant.

Clause 24.—This clause seeks to amend section 36 of the Act and the change is verbal in nature.

Clause 25.—Section 39 of the Act is being amended to provide for the meeting of the Board to be adjourned by the Vice-President in the absence of the President and by the Secretary in the absence of both the President and the Vice-President.

Clause 26.—The amendment proposed to sub-section (1) of section 41 of the Act is clarificatory in nature. The amendment to sub-section (2) of section 41 is necessitated because of the proposed amendment to section 3 to declare naval stations also as cantonments (*vide* clause 3). Where cantonments are located in the navy or air force stations, the proceedings of the Board should be sent to the respective Command Headquarters of the navy or air force.

Clause 27.—The amendment proposed to sections 42 and 43 of the Act is clarificatory in nature.

Clause 28.—This clause seeks to insert new sub-section (3) in section 43A of the Act. With the demand of democratisation of administration of cantonments, administrative instructions had been issued to the cantonment Boards to make provision in their regulations framed under clause (e) of sub-section (1) of section 44 of the Act that the decision of a civil area committee in certain matters pertaining to civil area would be construed as decisions of the Board. Since this was only

under a delegated power, it is now proposed to make a specific provision in this behalf in the Act itself. However, if the Health Officer dissents from any decision arrived at by the civil area committee on matters pertaining to consideration of health of the people, the matter will be referred to the Board by the President for decision.

Clause 29.—Section 44 of the Act empowers the Board to make regulations It is proposed to amend this section suitably to provide for the laying of the regulations made by the Board before each House of Parliament as per the recommendations of the Committee on Subordinate Legislation.

Clause 30.—The amendment proposed to section 45 of the Act provides that the powers of a local authority to establish octroi limits and octroi stations within a cantonment in the event of an agreement between that local authority and the Board should be available in the same manner also to the cantonment Boards.

Clause 31.—This clause seeks to amend section 46 of the Act to provide that the power of the Central Government to call for documents from the Board should also be given to such officer or authority as may be authorised by the Central Government. This is considered necessary as it is not possible in all matters for the Central Government to form an opinion in matters where documents are required to be called for.

Clause 32.—It is considered desirable to make specific provision for authorising the Director, Defence Lands and Cantonments, the Command or such other officer or authority as may be authorised by the Central Government to exercise the power of inspection under section 47 of the Act.

Clause 33 The amendment proposed empowers the Director, Defence Lands and Cantonments, the Command also to exercise the power to call for documents under section 48 of the Act.

Clause 34.—This clause seeks to amend section 51 of the Act to enable the President in his capacity as officer commanding the station to dissent from a decision of the Board, if it affects also the security of the Forces in the cantonment. The other amendment to the section is of a consequential nature.

Clause 35.—This clause seeks to insert new section 51A in the Act to enable the Central Government to review any decision or order of the Board or the Officer Commanding-in-Chief, the Command.

Clauses 36 *and* 37.—Sub-clause (a) of clause 36 and sub-clause (a) of clause 37 seek respectively to amend section 56 and section 57 of the Act consequent on the amendment to section 3 of the Act to declare places occupied by naval stations as cantonments (*vide* clause 3). Sub-clause (b) of clause 36 and sub-clauses (b) and (c) of clause 37 seek respectively to amend section 56 and section 57 so as to enhance the fine prescribed for the offences as the existing fine is considered inadequate in view of the escalation in prices.

Clause 38.—The amendments to section 58 of the Act have become necessary in view of the coming into force of the Code of Criminal Procedure, 1973 (2 of 1974)

Clause 39.—Sub-section (2) of section 60 of the Act provides that a tax imposed under this section shall take effect from the date of notification in the Official Gazette. This provision does not confer power on the

Board to notify that the tax may also be imposed from a date specified in such notification as this will give information to the persons residing in the cantonment and also facilitate realisation of tax. An amendment for this purpose is proposed to be made in this section.

Clause 40.—The amendment proposed to sub-section (1) of section 62 of the Act is verbal. The other amendment to substitute a new sub-section for sub-sections (2) and (3) provides for the publication of tax proposals once only on the lines of similar provisions contained in some municipal laws.

Clause 41.—This clause seeks to insert new section 63A in the Act to empower the Central Government to issue directions to a cantonment Board to impose new taxes or to enhance an existing tax when the Government considers it necessary so to do for augmenting the revenues of the Board.

Clause 42.—A provision is being made in section 65 of the Act to enable apportionment of tax liability amongst several owners. Where the property is jointly owned by more than one owner, the liability will be joint and several.

Clause 43.—The function of the Board under section 66 of the Act is routine administrative function and it is proposed to confer this function on the Executive Officer. Sub-clause (b) seeks to empower the Government not only to make rules specifying the form in which assessment list is to be prepared, but also the manner in which such list is to be prepared.

Clauses 44, 45, 46, 50, 53, 84, 85, 88, 92, 93, 96, 109, 113, 127, 128, 129 *and* 132.—The functions, powers and duties of the Board under sections 67, 68, 72, 77A, 83, 131, 132, 135, 143, 145, 164, 190, 194, 219, 221, 224 and 231 of the Act are by and large routine day-to-day administrative functions, powers and duties. It is proposed to confer these functions, powers and duties under those sections on the Executive Officer and carry out in the relevant sections, wherever necessary, such consequential amendments as the rules of grammar may require.

Clauses 47, 51, 90, 95, 97, 107, 114, 117, 118, 121, 123, 124, 125, 130, 137 *and* 150.—The existing punishment for an offence under sections 74, 79, 139, 159, 167, 184, 196, 204, 205, 209, 213, 214, 215, 226, 240 and 268 is considered inadequate in view of the escalation in prices and is being enhanced.

Clause 48.—Section 75 of the Act provides for remission and refund of tax when a building is wholly or partly demolished or destroyed on the application of the owner. It is proposed to provide that no remission or refund shall take effect in respect of any period commencing more than two months before the delivery of such application.

Clause 49.—Sections 76 and 77 of the Act provide for the remission of tax for buildings. It is proposed that such remission shall not exceed one-half of the tax levied on such buildings.

Clause 52.—Penalty for evasion of octroi or terminal tax under section 82 of the Act is considered inadequate in view of the escalation in prices and is being enhanced. It is also proposed to confer on the Executive Officer the powers and functions of the Board under this section as these are routine in nature.

Clause 54.—This clause seeks to amend section 84 of the Act. The amendment to substitute sub-section (1) of that section provides that an appeal against the assessment or levy of, or against the refusal to refund, any tax under the Act will lie to the District Court. The other amendments are of consequential nature.

Clause 55.—In view of the amendment proposed to be made to section 84 of the Act, a consequential amendment is being made in section 85.

Clause 56.—In view of the amendments proposed to section 84 of the Act, a consequential amendment is being made in section 86. A new sub-section is also proposed to be inserted in section 86 for the recovery by the Board the costs awarded to the Board in the same manner as moneys recoverable by the Board under section 259.

Clauses 57 *and* 58.—In view of the changes proposed to be made in section 84 of the Act, consequential amendments are being made in sections 87 and 88.

Clause 59.—In view of the escalation in prices, it is proposed to enhance the fee for every notice of demand under sub-section (2) of section 91 of the Act from one rupee to two rupees.

Clause 60.—In addition to the distress and sale of movable property, it is also proposed to provide in section 92 of the Act for attachment and sale of immovable property in the event of a tax remaining unpaid even after the service of the notice of demand. The provision would act as a deterrent to habitual defaulters who do not pay the taxes on demand. A safeguard has, however, been provided that the attached property would not be sold except under the orders of the Board.

Clause 61.—This clause seeks to insert new section 92A in the Act for levying interest on the tax which has not been paid in time. The interest thus payable would also be recoverable in the same manner as moneys recoverable by the Board under section 259. The interest could, however, be remitted by the assessing authority with the sanction of the Board, where no appeal has been preferred, and by the District Court in other cases.

Clause 62.—It is proposed to provide that the surplus sale proceeds from the disposal of distrained property shall also be given to the legal representatives. Further it is proposed to enhance the fee for a warrant of distraint or attachment from one rupee to two rupees in view of the escalation in prices.

Clause 63.—In view of the amendment proposed to section 92 of the Act, a new section 94A is proposed to be inserted in the Act for the disposal of attached immovable property.

Clause 64.—The changes proposed in section 95 of the Act are verbal and consequent to the amendment to section 92.

Clause 65.—The amendment to section 96 of the Act is consequent to the amendment to section 92.

Clause 66.—The amendment proposed to section 99 of the Act seeks to exclude any building or lands of the Government from the levy of property tax.

Clause 67.—The power of the Board under section 102 of the Act to write off any sum due to it is proposed to be enhanced from fifty rupees to two hundred and fifty rupees with the previous sanction of the Officer Commanding-in-Chief, the Command.

Clause 68.—The amendment proposed to section 103 of the Act empowers the Executive Officer to call upon any inhabitant of the cantonment to ascertain not only about his liability to pay a tax, but also the fact that the tax has been correctly paid. This is necessary in cases where a person is about to move out of the cantonment to avoid immediate payment of tax by such person. The existing punishment for an offence under this section is considered inadequate in view of the escalation in prices and is being enhanced.

Clause 69.—The amendments proposed to section 105 of the Act are of consequential nature in view of the amendments to section 92 (*vide* clause 60).

Clause 70.—The amendment proposed to section 107 of the Act enables the Board to keep cantonment fund in the State Bank of India or a subsidiary bank or a nationalised bank. The other amendments to this section are of consequential nature.

Clause 71.—Clause (d) of the second proviso to section 109 of the Act is being omitted as the liability of maintaining public lunatic asylums and mental hospitals rests with the State Government under the Indian Lunacy Act, 1912 (4 of 1912).

Clauses 72 *and* 73.—The limit up to which the Executive Officer can enter into a contract under section 113 of the Act is proposed to be raised from rupees two hundred to rupees one thousand in view of the escalation in prices. Similarly, the limits beyond which a contract should be in writing under section 114 of the Act and up to which the Executive Officer can sign for the Board in time of emergency are proposed to be increased for the same reason from one hundred rupees to five hundred rupees and from five hundred rupees to two thousand and five hundred rupees respectively.

Clause 74.—At present there is no provision in section 116 of the Act for regulating the use of streets, culverts, markets, etc. It is now proposed that such places should be regulated under specific bye-laws. There is no provision for establishing and maintaining a system of public inoculation and it is now proposed to provide for it. At present, establishing and maintaining or supporting public hospitals and dispensaries is the obligatory duty of the Board. Similarly, establishment and maintaining or assisting primary schools is its obligatory duty. Since these are primarily State subjects, it is proposed to omit these duties from the obligatory list and include them in the discretionary functions of the Board under section 117. It is also proposed to amend section 116 to ensure that the Boards are obliged to establish and maintain civil defence services and to prepare and implement town planning schemes.

Clause 75.—Consequent to the deletion from section 116 of the Act certain obligatory duties of the Board relating to establishment and maintenance of public hospitals, primary schools, etc., it is proposed to provide these duties as discretionary functions of the Board under section 117. It is proposed to provide that it will be the discretionary function of the Board to provide relief on the occurrence of floods, famines or other natural calamities. Some additional functions of a discretionary nature are now being included in this section.

Clause 76.—The use of megaphone or loudspeaker which may disturb the public peace or order and the use of any premises without the previous permission of the Executive Officer for any trade involving offensive smell or smoke are included as nuisances under section 118 of the Act. The powers of the Board under sub-clause (xv) of clause (a), clauses (b), (g) and (k) of sub-section (1) of the said section are proposed to be given to the Executive Officer as they are routine administrative functions. The existing penalty for an offence under sub-section (1) or sub-section (3) of section 118 of the Act is considered inadequate in view of the escalation in prices and is being enhanced. The other amendments are verbal.

Clause 77.—The scope of the term "military unit" in section 119(2) of the Act is being widened so as to include an establishment or a detachment of troops. Provision regarding registration of dogs in military units is being made applicable to such establishments or detachments. The power of the Board under sub-section (3) of that section regarding confining the dogs suspected to be suffering from rabies is proposed to be vested in the Executive Officer as this is a matter relating to day-to-day administration.

Clause 78.—The amendment proposed to section 121 of the Act is verbal.

Clause 79.—It is considered that no permission of the Board should be required under section 123 of the Act for the purpose of illumination on the occasion of a festival or public or private entertainment as it is difficult to control such celebrations. Accordingly, reference to such permission is being deleted.

Clause 80.—The reference to the Cinematograph Act, 1918 in section 124 of the Act is proposed to be changed into a reference to any other law relating to sanctioning of cinematograph films for exhibition. Performances such as circus, carnival, exhibition, dance or other similar show for public recreation or amusement are being brought under the provisions of this section. The penalty provided under that section is considered inadequate in view of the escalation in prices and is being enhanced.

Clause 81.—The scope of section 125 of the Act relating to operations involving public hazards is proposed to be enlarged so as to cover quarries, building operations, etc., involving risk of injury to persons, property or goods. The quantum of fine is considered inadequate in view of the escalation in prices and is being raised.

Clause 82.—Besides carrying out amendments in section 128 of the Act consequent on the inclusion of naval stations in section 3 (vide clause 3), the area of responsibility in respect of various authorities in a cantonment in the matter of sanitation is proposed to be clearly defined.

Clause 83.—This clause seeks to insert new section 130A in the Act in order to fix responsibility on occupier of a building or land to collect and deposit rubbish and other offensive matter

Clause 86.—The Executive Officer under section 133 of the Act can require occupiers of buildings to collect and deposit offensive matter remaining in the building in a receptacle for removal by the conservancy establishment of the Board. There is a restriction that such receptacle should be situated within one hundred feet of the nearest boundary of the premises. This being not practicable of implementation, it is proposed to remove the restriction relating to distance.

Clause 87.—This clause seeks to amend section 134 of the Act to provide that the power to sanction expenditure for filling up of tank, reservoir, etc., on the recommendation of the Health Officer could also be exercised by the Director, Defence Lands and Cantonments, the Command, in addition to Officer Commanding-in-Chief, the Command.

Clause 89.—As the functions under section 136 of the Act are routine administrative functions, it is proposed to vest these functions in the Executive Officer. The other amendment is for changing the reference to the Indian Factories Act, 1911 into a reference to the Factories Act, 1948.

Clause 91.—This clause seeks to substitute a new section for section 141 of the Act to enable the Executive Officer to require land or building to be cleansed. This new section is more comprehensive and is in line with the provisions contained in other municipal laws.

Clause 94.—Section 150 of the Act is proposed to be substituted by a new section so as to bring it in line with similar provisions contained in other municipal laws.. Penalty for furnishing false information is also proposed to be enhanced in view of the escalation in prices.

Clause 98.—The proviso to section 173 of the Act is obsolete and is being omitted.

Clause 99.—The amendments proposed to section 178 of the Act are clarificatory in nature.

Clause 100.—This clause seeks to substitute a new section for section 178A of the Act to provide that for the sanction of building plans a notice by an individual intending to erect or re-erect a building in the civil area should be given to the Executive Officer. In the remaining area of the cantonment, however, the building application will be submitted to the Board as usual. This is considered necessary to alleviate the hardship of the people intending to erect or re-erect buildings particularly in the civil area where most of the constructions take place.

Clause 101.—It is proposed to substitute section 179(1) of the Act so as to include within its scope any buildings originally constructed for human habitation and later converted into commercial purposes. The other amendments are consequential to the substitution of new section for section 178A (*vide* clause 100)

Clause 102.—This clause seeks to amend section 180 of the Act and is consequential to the substitution of new section for section 178A (*vide* clause 100)

Clause 103.—This clause seeks to insert new section 180A in the Act to empower the Executive Officer to exercise in civil areas the powers, duties and functions of the Board under certain sections of the Act enumerated therein.

Clause 104.—This clause seeks to amend section 181 of the Act. The amendment to substitute a new sub-section (2) for sub-section (2) of section 181 is consequential to the insertion of new section 181A (*vide* clause 105). An additional provision is being made enabling the Board to refuse sanction of a building plan if a land has been placed under the management of the Board and the erection or re-erection of a building constitutes a breach of the terms of the entrustment of management. The other amendments proposed are of consequential nature.

Clause 105.—This clause seeks to insert new section 181A in the Act. This new section is being introduced to enable the Officer Commanding-in-Chief, the Command to sanction a general scheme for imposing restrictions on the erection or re-erection of buildings within such limits as may be specified in the sanction for prevention of overcrowding or for the purposes of sanitation. A safeguard is being provided that no such restriction will be imposed without inviting objections or suggestions and after taking into consideration such objections and suggestions.

Clause 106.—This clause seeks to insert new section 183B in the Act to make it obligatory on the part of every person intending to erect or re-erect a building to give a notice of completion of the building according to the sanctioned plans.

Clause 108.—This clause seeks to amend section 186 of the Act relating to the Board's power to make bye-laws in respect of certain matters. Under clause (a) of this section, a notice of intention to erect or re-erect a building in a cantonment should be given to the Board. Sub-clause (a) of this clause seeks to empower notices being given also to the Executive Officer. Sub-clause (b) seeks to insert a new clause in the section to empower the Board to make bye-laws to regulate the manner in which and the form in which a notice of completion of erection or re-erection of any building in the cantonment shall be given to the Board or the Executive Officer and the information and plans to be furnished with the notice. Sub-clause (c) seeks to amend clause (f) of the said section to make certain amendments of clarificatory nature.

Clause 110.—Temporary occupation under section 191 of the Act of any street or land vested in the Board requires permission of the Board in writing. This power of the Board is proposed to be conferred on the Executive Officer subject to such conditions as the Board may prescribe. To prevent unauthorised occupation of any such street or land it is proposed to empower the Executive Officer to remove any article placed without authority on such street or land and confiscate such article if the person who placed the said articles fails to offer satisfactory explanation. Similarly, the Defence Estates Officer would be authorised to confiscate and remove any article placed without authority on any street or land under his management

Clause 111.—The power of the Officer Commanding-in-Chief, the Command under sub-section (1) of section 192 of the Act is proposed to be concurrently given to the Director, Defence Lands and Cantonments, the Command. The power of the Board under sub-section (2) of the said section is proposed to be given to the Executive Officer.

Clause 112.—The amendment to substitute a new sub-section for sub-section (1) of section 193 of the Act provides to empower the Board to give names to various areas in the cantonments. The existing penalty under sub-section (2) of the said section is considered inadequate in view of the escalation in prices and is being enhanced. The power of the Board under sub-section (3) of the said section is proposed to be given to the Executive Officer.

Clause 115.—The power of the Officer Commanding-in-Chief, the Command to approve under section 200 of the Act the levy of stallages, rents or fees by the Board is proposed to be concurrently given to the Director, Defence Lands and Cantonments, the Command. Another proviso is being added to this section to ensure that no tenancy right is conferred on an individual who is allowed the use or occupation of any stall, shop, etc., in a public market.

Clause 116.—The reference to slaughter of animals for sale of flesh to the troops is being deleted from clause (b) of sub-section (2) of section 202 of the Act as it is considered obsolete. The penalty for non-compliance of the conditions as regards a market or slaughter-house is being enhanced due to escalation in prices.

Clause 119.—The power to inspect slaughter-houses under sub-section (1) of section 207 of the Act is proposed to be given also to the Executive Officer.

Clause 120.—Section 208 of the Act provides for the power of the Board to make bye-laws. A new clause is being introduced in that section enabling the Board to make bye-laws to regulate any other matter with respect to the regulation of any private market or private slaughter-house.

Clause 122.—Section 210 of the Act provides for the issue of licences for carrying on certain occupations. It is proposed that vendors of spirituous liquors should also obtain a licence for carrying on the trade. An enabling provision is also being made empowering the Board to issue licences for such other trade, calling or occupations as the Central Government may notify. The reference to the Indian Petroleum Act, 1899, in section 210(3) is being changed into a reference to the Petroleum Act, 1934. At present, section 210(4) provides that licence

fee should not exceed the cost of granting the licence. As the precise assessment of cost is not possible, it is proposed to amend this provision to provide that fee chargeable by the Board in granting any licence should be reasonable. The other changes are verbal.

Clause 126.—The power under section 216 of the Act to permit the import of any animal intended for human consumption or the flesh of any animal slaughtered outside the cantonment is proposed to be vested in the Executive Officer and he will exercise this power on the advice of the Health Officer. The existing penalty is being enhanced due to escalation in prices.

Clause 131.—The power of the Board under section 230 of the Act is proposed to be given to the Executive Officer. The other amendment in that section is of a clarificatory nature.

Clause 133.—The amendment proposed to section 232 of the Act is of a clarificatory nature.

Clause 134.—Penalty under section 236(1) of the Act for loitering and importuning for purposes of prostitution is being enhanced due to escalation in prices. The word "Naval" is being introduced in section 236(2) to cover naval stations also consequent to the amendment of section 3 (*vide* clause 3).

Clause 135.—The reference in section 238 of the Act to the British Army Act being obsolete is proposed to be omitted. The reference to the Code of Criminal Procedure, 1898, is being changed into a reference to the Code of Criminal Procedure, 1973. The other changes are consequential and verbal.

Clause 136.—This clause seeks to amend section 239 of the Act and the change is consequential to the insertion of a new definition of the expression "Forces" in the Act.

Clauses 138 *and* 139.—The powers to authorise entry under section 241 and of inspection under section 243 of the Act are proposed to be given to the Executive Officer.

Clause 140.—The present provisions in section 247 of the Act relating to entry in premises without notice are being amplified to cover commercial establishments, etc.

Clause 141.—There is no provision at present in section 249 of the Act to impose penalty on a person who obstructs or molests a person acting on behalf of the Board. A provision is now being introduced to cover such cases. The penalty for causing obstruction is proposed to be enhanced in view of the escalation in prices.

Clause 142.—In section 250 of the Act, the word "Naval" is being introduced to cover persons in the employment of the Indian Navy. This amendment is consequent to the amendment of section 3 (*vide* clause 3).

Clause 143.—In the Act, there is no provision under which an attempt to commit an offence is to be reported to the Board by the police. This lacuna is proposed to be removed by suitably amending section 251 of the Act.

Clause 144.—The existing provisions in section 253 of the Act regarding authentication and validity of notices issued by or on behalf of the Board are being amplified to bring the provisions in line with other municipal laws.

Clause 145.—The existing provision in section 256 of the Act is being amplified because some of the powers of the Board are being vested either in the civil area committee or the Executive Officer. In the existing section, there is no provision to indicate as to how the expenses incurred by the Board on account of non-compliance of notices, etc., issued by it or on its behalf are to be recovered and this is being clarified. It has also been provided that for the purposes of removing an unauthorised construction or encroachment on Government land, the Board or the civil area committee or the Executive Officer may request a police officer to render such assistance as might be considered necessary and it shall be the duty of such police officer to render forthwith such assistance on such requisition. In the absence of an enabling provision in this regard, the Board and its servants had been experiencing a lot of difficulty.

Clause 146.—This clause seeks to insert new section 256A in the Act to cover the contingencies in which the occupier of property prevents the owner from complying with any lawful requisition or notices issued by the Board.

Clause 147.—As powers and functions of the Board under certain sections of the Act are proposed to be given to the Executive Officer or the civil area committee, the amendments to section 257 of the Act are consequential in nature.

Clause 148.—At present, the rent of buildings and land and any other money recoverable by the Board under the Act or the rules made thereunder can be recovered in accordance with the procedure prescribed in section 259 of the Act. It is proposed to amend this section to provide also for recovery of rent on land and buildings due under leases or licences executed by or in favour of a Board or the Defence Estates Officer. It is also proposed to provide for attachment of immovable property as one of the modes of recovery. In view of the coming into force of the Code of Criminal Procedure, 1973 (2 of 1974), the reference of the Magistrate in the section is substituted with the reference of Judicial Magistrate. It is proposed to insert a new sub-section (3) enabling a Judicial Magistrate to recover the amount of tax, rent or money due to the Board as if such amount were a fine recoverable under a sentence passed by him and the provisions of sections 421 and 422 of the Code of Criminal Procedure, 1973 shall apply to the recovery of such amount. The other amendment is consequential.

Clauses 149 *and* 154.—The amendment to sections 266 and 271 has become necessary in view of the coming into force of the Code of Criminal Procedure, 1973 (2 of 1974).

Clause 151.—This clause seeks to insert a new section 268A in the Act to enable the Board to prosecute a company for offences committed under the Act.

Clause 152.—Section 269 of the Act relates to cancellation of licences by the Board. It is proposed to substitute a new section for this section to confer this power also on the civil area committee and to bring within its scope written permissions. It is also proposed to confer on the Board or the civil area committee the power to cancel or suspend a licence or written permission in a case where the licence or written permission has been secured through misrepresentation or fraud.

Clause 153.—Section 270 of the Act relates to recovery of amount payable in respect of damage to cantonment property. This section is being amended to effect recovery also by attachment and sale of immovable property and to make the provisions of sections 421 and 422 of the Code of Criminal Procedure, 1973 (2 of 1974) applicable to such recovery.

Clause 155.—The reference in section 274 of the Act to the Indian Limitation Act, 1908, is being changed into a reference to the Limitation Act, 1963 and the other amendments are consequential.

Clause 156.—Section 276 of the Act provides for the suspension of action pending appeal. It is proposed to substitute this section to provide for the said suspension only if the appellate authority so directs. This, however, is not applicable to an order contained in a notice issued under section 140, 176 or 238 of the Act. In this list of exceptions, notices issued under section 181 and section 206 are proposed to be added.

Clause 157.—Section 280 of the Act empowers the Central Government to make rules. For the existing sub-clauses (c), (e) and (f) of sub-section (1) of the said section relating to the service conditions of servants of Boards, a comprehensive clause is being inserted as clause (c). Sub-clause (cc) of the said sub-section is being omitted as a result of the proposal to constitute Defence Lands and Cantonments Services under article 309 of the Constitution.

Clause 158.—Difficulties have arisen with regard to rules framed under the Act relating to service conditions which had to be given retrospective effect. However, this could not be done in the absence of an enabling provision in the Act. It is now proposed to amend section 281 of the Act suitably with adequate safeguards. New sub-section (3) provides for laying of the rules made by the Central Government before each House of Parliament as per the recommendations of the Committee on Subordinate Legislation.

Clause 159.—The existing provisions contained in section 282 of the Act enabling a Board to frame bye-laws for various purposes to regulate the day-to-day administration of the cantonment are being amplified wherever considered necessary.

Clause 160.—This clause seeks to amend section 283 of the Act relating to penalty for breach of bye-laws. Existing section 283 is being renumbered as sub-section (1) thereof. Under sub-clause (a) the penalties prescribed therein for breach of bye-laws are being enhanced due to escalation in prices. Sub-clause (b) seeks to insert new sub-section (2) to the effect that any bye-law framed by the Board may provide that a person contravening the same would be required to remedy, so far as lies within his power, the damage or mischief, if any, caused by such contravention.

Clause 161.—Existing section 286A of the Act is being re-structured to bring it in conformity with the various amendments proposed to be made in the Act.

Clause 162.—The reference to the Indian Registration Act in section 287 of the Act is being changed into a reference to the Registration Act. Provision is also being made that information pertaining to a document relating to a property situated within the cantonment registered with the Registrar or the Sub-Registrar will be submitted by the Registrar or the Sub-Registrar to the Executive Officer and the Defence Estates Officer.

Clause 163.—As the Executive Officer is the keeper of all records maintained on behalf of the Board, he is being authorised, instead of the Board, under section 289 of the Act, to certify documents for the purposes of their admissibility in evidence.

Clause 164.—This clause seeks to amend section 291 of the Act to provide that with reference to the application of the Government Buildings Act, 1899 within a cantonment, the power of a State Government under that Act should be construed as vesting in the Central Government.

Clauses 165 *and* 166.—These clauses seek respectively to amend Schedule I and Schedule II to the Act, and the amendments are consequential to the amendments proposed in section 92 of the Act (*vide* clause 60).

Clause 167.—Schedule V to the Act specifies that any person aggrieved by an order made under any of the sections enumerated therein may prefer an appeal to the authority specified in that behalf. It is proposed to specify that an order under section 138, 142 or 187 will be appealable. In view of the amendments proposed to sections 135, 136, 181, 219, 221 and 224, an order passed thereunder will also be appealable. This clause, seeks to substitute a new Schedule for existing Schedule V, for giving effect to the said proposal.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 19 of the Bill seeks to amend section 31 of the Cantonments Act which deals with the power of the Central Government to make rules regulating elections. This rule-making power is being amplified to include therein a new clause empowering the Central Government to make rules for specifying the fee to be paid for admission and consideration of any application relating to election or election disputes.

Clause 43 of the Bill seeks to amend section 66 of the Cantonments Act to empower the Central Government not only to make rules specifying the form in which assessment list is to be prepared, but also the manner in which such list is to be prepared.

Clause 108 of the Bill seeks to amend section 186 of the Cantonments Act to empower the Board to make bye-laws to regulate the manner in which and the form in which a notice of completion of erection or re-erection of any building in the cantonment shall be given to the Board or the Executive Officer, as the case may be, and the information and plans to be furnished with the notice. Certain other amendments of clarificatory nature are being made in sub-clauses (iv), (vi) and (x) of that section.

Clause 120 of the Bill seeks to amend section 208 of the Cantonments Act to empower the Board to make bye-laws in respect of any other matter with respect to the regulation of any private market or private slaughter-house.

Clause 157 of the Bill seeks to amend section 280 of the Cantonments Act which empowers the Central Government to make rules to carry out the purposes and objects of the Act. It is proposed to substitute clause (c) of sub-section (2) of that section to empower the Central Government to make rules for the tenure of office, salaries and allowahces, provident funds, pensions, gratuities, leave of absence and other conditions of service of servants of the Boards. Consequently, clauses (cc), (e) and (f) of the said sub-section are being omitted.

Clause 158 of the Bill seeks to insert new sub-section (3) in section 281 of the Cantonments Act to empower the Central Government to make rules, under substituted clause (c) of sub-section (2) of section 280, with retrospective effect and with adequate safeguards. New sub-section (4) proposed to be inserted in this section provides for laying of the rules made by the Central Government before each House of Parliament.

Clause 159 of the Bill seeks to amend section 282 of the Cantonments Act to empower the Board to make bye-laws in respect of other matters as specified in that clause. The important matters in respect of which such bye-laws may be made are listed below:—

(a) the enforcement of compulsory vaccination and inoculation and levy of fees where such vaccination or inoculation is carried at the houses of residents;

(b) the regulation of any description of traffic in the streets and the enforcement of measures for the reduction of noise caused thereby or the prohibition of any description of such traffic;

(c) the form of and the particulars which shall be contained in a development scheme or an improvement scheme and the manner in which such scheme shall be framed or altered;

(d) the prescribing of the fee payable for any licence (except as otherwise specifically provided in the Act) or for any written permission granted by the Board;

(e) the regulation of supply of copies of official documents and prescribing the fee payable in respect thereof;

(f) the regulation of permission for granting licence for use of loud-speakers and prescribing the fee payable in respect thereof.

The matters in respect of which rules and bye-laws may be made are generally matters of procedure and of administrative detail and it is not practicable to provide for them in the legislation. The delegation of legislative power is, therefore, of a normal character.

AVTAR SINGH RIKHY,
Secretary.

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